
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

August 25, 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. Xavier Campbell, Audio/Video
Ms. June Barnes, Office Coordinator-Board Secretary
Ms. Karen Baum, Rental Program Technician/Board Secretary

Approval of Minutes by:  _____ Special Magistrate

The meeting was called to order at 9:04 a.m.

The minutes from the July 28, 2020 hearing are still being worked on.

Ms. Baum announced the following case:

CASE # 11 - 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.

COMPLIANCE 08/21/2020

Mr. Riggio called the first case.

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

CASE # 28 - RTL 08-20-82 - Scott A Conner is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **352 Fordham 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. IRREPARABLE or IRREVERSIBLE First Notified – 5/26/2020.

Respondent Scott Conner was present via video call and was sworn in with staff.

Mr. Recanzone advised that the property is now in compliance and they are asking for compliance/non-compliance and a will fine on the property.

Mr. Conner now understands that short-term is not allowed and his property manager is working on long-term rentals.

Mr. Jackson advised that he can be fined up to \$5,000 per occurrence or \$15,000 for an irreparable/irreversible violation.

DISPOSITION: Mr. Riggio found the property had been in non-compliance and it is now in compliance as of today's date August 25, 2020. Further ordered that the respondent shall not violate this section of the Land Development Code as set forth in the current violation citation. Any future repeat violations the respondent may be placed on a subsequent meeting agenda before the Special Magistrate for consideration of a fine up to \$5,000 per occurrence per Florida State Statute 162.

CASE # 10 - 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 Ricardo Ferrer come forward and was sworn.

Mr. Jackson asked Mr. Ferrer's relationship to Escudo capital LLC. He is the owner. The property has been sold since.

Inspector Jerome McCoy advised that he conducted an inspection on the property and the owner has been in contact with him. The owner has been making repairs. There were a couple of windows that couldn't be repaired. The owner has provided documentation that they will be replaced.

Mr. McCoy advised the property has been sold to a new owner who is supposed to be brought up to speed

The new property owner is aware of the violations.

Mr. Jackson has requested that Mr. McCoy receive the documentation about the new windows that have been ordered.

The expected delivery date is November 12, 2020. The window company is Daytona Custom Windows. The windows can't be repaired, they have to be replaced. The permit has been requested.

Captain Lee asked if there was a copy of the window contract. Mr. Ferrar advised there is an electronic copy on this phone.

Mr. McCoy requested an amended order for the December 16, 2020 cut off.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and ordered the Respondent to come into Compliance by December 16, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 12 - 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.

Respondent Mrs. Rhonda Ferguson came forward and was sworn.

Mr. McCoy advised that the owner has applied for the license but he hasn't heard anything until late last week. He spoke with the husband who advised Mr. McCoy that he was going to be present at the hearing. Mr. Ferguson is not present for the hearing. Mr. McCoy will be asking for a fine.

Mrs. Ferguson advised that she isn't renting the property. Mr. Ferguson is. She is not renting the property he is and he's not in compliance. She is showing up because she is also the owner of the property.

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$100.00 per day, effective August 25, 2020, until the fine reaches a maximum of \$15,000 or the property comes into Compliance.

CASE # 3 - 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 - 04/16/2019.

Mr. Chris Lim attorney for the respondent is present.

Mr. Jackson advised Mr. Riggio that this is before him for an imposition of a fine. Mr. McCoy has had no contact with anyone since the last meeting. They were first notified back in April 2019.

Mr. McCoy advised that he has had no contact with the owner or representative since the last hearing. He advised that previous inspections were conducted for this property.

Mr. Riggio asked Mr. Lim if he received a copy of the previous inspection report. Mr. Lim just received the report. Mr. Lim advised that the last time that he was at the hearing there were occupants that aren't supposed to be on the property. They have started an unlawful detainer action for them to vacate the property. There has been some COVID considerations causing a

delay in the court system. The property should be vacated in September and they will have possession of the property.

Mr. Lim thought that some of the items on the inspection report were already corrected. The people occupying the property are not working with the owner to allow items to be corrected. The owner tried to hire a contractor to make corrections and then found out that the same contractor let these people on the property.

Captain Lee advised that they are not processing Writs of Possession for properties due to COVID. The sheriff's office is starting to process those that are not related to COVID.

Mr. Riggio asked when Mr. Lim expects an order from the judge.

Mr. Jackson asked Mr. Lim to communicate with the inspector.

Mr. McCoy advised that one of the items was a room that was added on with out permits.

Mr. Jackson recommends October compliance and a progress report next month.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and ordered the Respondent to come into Compliance by October 21, 2020 and to provide a progress report at the next scheduled hearing on September 22, 2020.

CASE # 2 - 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 Klever Panora came forward and was sworn.

Mr. Jackson asked Mr. Panora his relationship to JFK Capital Group LLC. Mr. Panora advised he is the owner/manager.

Mr. Recanzone advised that this is for short-term rentals. This property was once in non-compliance and is now in compliance. Mr. Recanzone is asking for a finding of non-compliance and now in compliance subject to a will fine.

Mr. Riggio asked Mr. Panora if he understood that he had been cited for renting this property out on a short-term basis which isn't allowed in this zoning area. Mr. Panora stated that he understood the violation and he was just trying to get more income.

DISPOSITION: Mr. Riggio found the property had been in non-compliance and it is now in compliance as of today's date August 25, 2020. Further ordered that the respondent shall not violate this section of the Land Development Code as set forth in the current violation citation. Any future repeat violations the respondent may be placed on a subsequent meeting agenda before the Special Magistrate for consideration of a fine up to \$15,000 per occurrence per Florida State Statute 162 as an irreparable/irreversible event.

CASE # 15 - 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.

Christopher Brown came forward and was sworn.

Mr. Bennet Ford attorney for the respondent was also present.

Mr. Mark Jones advised the case was opened in August 2019 for a property that was zoned for single family and had multiple units. Mr. Brown was originally denied the rental license for the three units back in September 2013. He's had no contact from the owner or his representative since the last hearing. Mr. Jones is requesting a fine in the amount of \$100.00 per day with a cap of \$15,000. All three units were occupied.

Mr. Brown advised that he tried to contact Mr. Jones to try to correct this and he applied for the license. The property has been continually occupied. The property has never been abandoned. He advised that the two buildings have been there since the 1950s.

Mr. Brown stated Volusia Property Management had managed it for him for more than ten years.

Mr. Jones advised that on September 3, 2013, Mr. Brown, who was the owner, was sent a letter from the zoning department that the property was zoned single family and that it couldn't be multifamily. He again applied for a license in August 2019 and the application again was denied because it could only be single family. Mr. Jones has no record of the property having a rental license at any time.

Mr. Brown advised that he has been renting the property since 2000.

Mr. Jackson wanted to acknowledge that there was counsel present for the respondent Mr. Bennet Ford.

Mr. Jackson advised that this was brought up in September 2013 that the property could only be single family not multifamily. The owner wasn't grandfathered because they didn't take advantage of the rental license. Without the rental license this is unlawful. In order to become lawful they would get a license for single family.

Mr. Jones advised that this property was never grandfathered. This property hasn't been licensed as multifamily use. Mr. Brown was notified in September 2013 that there can only be a single-family unit.

Captain Lee read parts of the letter that was submitted to Mr. Brown in September 2013. The letter indicated that it had to be taken back to a single-family property.

Mr. Brown advised that the kitchens have always been in the buildings. He didn't add any kitchens.

Captain Lee advised he understands that it was purchased that way.

Mr. Brown stated that there are two separate water bills for the property. The rental program wasn't around when he bought the property. Both buildings were occupied when he bought the property.

Captain Lee stated that Mr. Brown was told and given notice that it needed to be converted into a single-family unit and it wasn't done. The property is still rented and that's why we are here today.

Mr. Jackson advised Mr. Riggio that there was a staff determination and the respondent was notified. There was a process in the code if Mr. Brown wanted to challenge or appeal he could've challenged the determination if he disagreed and none of those actions were taken. Mr. Brown should've done it at the time and not now trying to reach back to 2013.

Mr. Bennet Ford, Mr. Brown's attorney, stated that Mr. Brown went down to get his application back in 2013. He submitted his application and paid for it back in 2013. This property is listed on the county website as a multifamily website.

Mr. Riggio stated that the burden of grandfathering lies with the respondent. Mr. Riggio doesn't see a sufficient argument at this time that grandfathering has occurred.

Mr. Brown requested a continuance to look into this further. Mr. Ford also requested a continuance. Captain Lee reluctantly agrees to allow a continuance. Mr. Jackson is also in agreement.

Mr. Riggio advised that there is conflicting testimony and the burden is on the respondent to prove his argument. He also stated that he preferred not to make a decision based on oral testimony referencing documents. He requested that he be provided with the actual documentation.

DISPOSITION: Mr. Riggio ordered a continuance for the previous order of Non-Compliance. The respondent will be returned to the September 22, 2020 hearing for consideration of the imposition of a fine.

CASE # 5 - 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.

Respondent Denise D'Abato and Mike Manderville came forward and were sworn.

Mr. Jerome McCoy advised that he has had some contact with the respondents. He hasn't been called out for a re-inspection of the property. He doesn't know if any corrections have been made to the property. He will be asking for a fine of 100.00 per day up to \$15,000.

Ms. D'Abato advised that she sent three separate emails with details about who they've reached out to for painting and deck replacement.

Ms. D'Abato advised they have plans for the deck and has reached out to contractors.

Mr. Maderville advised the estimates have been excessive that he was able to get back. Still waiting on two estimates.

Mr. Manderville advised they also sent Mr. McCoy pictures of damage caused by previous painters.

Mr. Riggio asked if anyone lived in the upper area. Mr. Manderville advised that it is their homestead. Mr. Riggio stated he can see all kinds of code violations by looking at the pictures.

Mr. Riggio advised that this is not an insignificant item. He also asked if spindles have been replaced. Mr. Manderville has replaced some of the wood and added supports.

Mr. Manderville stated that they are still working on getting the estimates and when they get the right fit they will hire someone. The painters are supposed to show up tomorrow and start painting the house.

Mr. Jackson advised that based on the pictures alone that from the appearance and condition of the property something needs to be done.

Mr. Jackson advised that the city's position is that it is dangerous and needs to be remedied.

Mr. McCoy stated that he never received the email or pictures that the respondents stated that they have sent.

Captain Lee stated that communication is key in these types of cases. The city isn't in a position to wait on one day. Action has to be taken.

Mr. Manderville advised that Mr. McCoy didn't show up to a previous inspection request. Mr. Manderville wants Mr. McCoy to come out to the house to go over what needs to be done at the house. They have tried to stay in contact by sending emails and pictures.

Mr. Riggio advised that it's not the city's responsibility, the city has identified that the deck is in violation. It is the contractor or engineer's responsibility to redesign or rebuild and you as the homeowner are responsible. It's not Mr. McCoy's job to tell you specifically how to fix the problem.

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$100.00 per day, effective August 25, 2020, until the fine reaches a maximum of \$15,000 or the property comes into Compliance.

CASE # 19 - 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.

Respondent Lisa McCarthy came forward and was sworn.

Inspector Mark Jones advised that the case was opened back in September 2019 and on October 24, 2019 it failed a rental inspection with numerous items that needed to be repaired or corrected. The re-inspection took place on January 31, 2020 they had replaced some windows without permits. The permit application was submitted on June 19, 2020. The permit

department emailed comments back to the applicant that they need clarification on June 19, 2020. They also sent a second request on August 12, 2020 and never heard back from the contractor. The property is occupied.

Ms. McCarthy advised that she has a letter from the contractor. The windows have to be special ordered due to the age of the house and they are back ordered. She has paid a deposit for the windows and she also had a copy of the contractor's license. Ms. McCarthy just found out two days ago about the permit issue. Mr. Jones advised the permit application has been submitted but it hasn't been issued.

Ms. McCarthy advised the windows should be in mid-September.

Captain Lee read the review notes from the permit submittal for the hearing.

Mr. Jones stated a correction that back two months ago at the hearing he stated that the permit had been applied for not that it had been received. The application was submitted.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance to allow the Respondent to come into Compliance by October 21, 2020 with a progress report due at the September 22, 2020 hearing.

CASE # 45 - RTL 08-20-99 - William B & Lisa A McCarthy is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **610 Gibson St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/17/2019.

Respondent Lisa McCarthy was previously sworn.

This case was opened in October 2019. The compliance deadline was October 31, 2019. The rental application was submitted approved on January 31, 2020. As of yesterday's date the owner called in and advised that the property was not ready yet for the inspection. The property is occupied.

Ms. McCarthy advised that she tried to schedule the inspection in August but wasn't ready yet she still had a few more things to do and should be ready in the next week or two.

Ms. McCarthy advised the previous tenant recently vacated and they needed to get in and clean up and make it look better.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the Respondent to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 13 - 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.

Respondent attorney Mr. McAloon not present but watching online.

Mr. Jackson advised that Mr. McAloon participated last month via Zoom. He also indicated that he had been waiting on a response from the City. Mr. Jackson has directed that Mr. McAloon watch online. So he could observe the proceeding.

Mr. Jackson would like an amendment to the next cut off. Mr. Jackson has been in contact with Mr. McAloon about the case.

DISPOSITION: Mr. Riggio Amended the Current order of Non-Compliance and ordered that the Respondent come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 25 - RTL 08-20-76 - 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 **145 Oak Tree Cir.**
Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/24/2020.

Respondent attorney Mr. McAloon not present but watching online.

Mr. Jackson advised they purchased a townhome complex and that are all individually platted. The City's position is that rental licenses are required. This is the second one that has come before you. We've been talking about this since 2019.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 24 - 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.

Respondent Erve Teixeira came forward and was sworn.

Mr. Mark Jones advised this case opened in February and was posted in March. Since the last hearing there was a rental inspection on August 5th. It was missing 1 screen and had wood rot around the front window. He's requesting to amend to the next cut off. Could be longer if they have a contract to get the window done.

Ms. Erve Teixeira advised the screen is done and she has three estimates for the window. She has the estimates with her.

Captain Lee advised the estimates are a first step but a minor one. She needs an application for the permit and she'll need a contract for the City to consider extra time frames. Asked if the permit can be applied for in the next month.

Captain Lee advised that she would have to get a contractor so they can be applied for.

Ms. Teixeira advised that she could get a contract at any time.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of a fine.

CASE # 32 - RTL 08-20-86 - Beverly Crawford is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **915 N Grandview**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/23/2019.

Beverly Crawford came forward and was sworn.

This case was opened in November 2019. Compliance was due by December 10, 2019. The rental application was received and the rental inspection was scheduled August 26, 2020. The property is occupied.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 33 - RTL 08-20-87 - Olive Branch Residential LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1009 Berkshire Rd**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/30/2019.

Mr. Rob Evans, the property manager, came forward and was sworn.

Mr. Mark Jones advised the case was generated and was signed for on October 30, 2019. The rental application was approved on March 3 and the inspection was just scheduled for August 27, 2020. The property is occupied.

Mr. Evans advised that they applied but they weren't doing inspections in March and he forgot that they were supposed to call back in June.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 4 - 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.

Respondent Pedro Dash came forward and was sworn.

Mr. Jerome McCoy asked to amend to the next cut off. He has conducted an inspection and there are multiple items that need to be corrected. The property in the rear was inspected. The one in the front wasn't inspected due to COVID.

Mr. Dash advised the challenge with the unit in the front is that they have COVID. He has been unable to do an eviction.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of a fine.

CASE # 36 - RTL 08-20-90 - John L Richardson, Jr. is cited for failure to correct violations of City Code Wo. 26 Noc. 26-294, at **104 Oakwood Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/26/2019.

John Richardson came forward and was sworn.

Mr. Mark Jones advised the case was opened in November with compliance due December 5th. They had a business tax receipt but not the rental license. The rental application was approved on December 20th and an inspection scheduled for September 16, 2020.

Mr. Richardson advised the property is not occupied. He had the roof replaced and he is working on the damage from the tenant.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by October 21, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 37 - RTL 08-20-91 - Mahmoud Y & Theresa Abdelrahman is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **2901 N Halifax Ave #221.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/4/2020.

Michelle Smith, a friend of the owners, came forward and was sworn.

Mr. Mark Jones advised that the case was opened in February and was posted in March. The compliance date was March 18th. He did talk with the owner in April who didn't believe he needed a license. The owner did submit a rental application on July 24th. The rental inspection is scheduled for August 26, 2020. The property is occupied.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 39 - RTL 08-20-93 - Select International Advisors LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1030 Alice Dr.** Violation(s) – Failure to obtain Rental License (RTL).
First Notified – 1/15/2020.

Andres Guerra, the owner, came forward and was sworn.

Mr. Mark Jones advised this property was posted in January 2020 with compliance due January 29, 2020. He has talked with the owner on August 21, 2020 and the rental inspection is scheduled.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 41 - RTL 08-20-95 - Wilfredo Romero is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **909 Madison Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/15/2020.

Digna Romero came forward and was sworn.

Mr. Mark Jones advised the property was posted on January 15th for not having a rental license and compliance was due January 29th. He had a rental inspection on March 20th with some issues. The owner's rep contacted him on August 14th and stated that the tenants did not want anyone to come in due to the virus. The property is occupied.

Ms. Romero understands what the city is asking for. She has been advised that there is someone ill in the house.

Mr. Jones advised Ms. Romero to keep in contact.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 47 - RTL 08-20-101 - Wilfredo & Haydee Romero is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1428 Illinois St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/3/2019

Digna Romero was previously sworn.

Mr. Mark Jones advised that the property was posted on October 3rd and compliance was due October 17th. They did get the application approved on November 25th and on December 3rd, it failed the rental inspection. It had numerous items; outside storage and inoperable vehicle. It was re-inspected again on February 21st and he had not heard back from the owners. He did talk with the owner's daughter on August 14th and the inspection is scheduled for September 1st. The property is occupied.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 42 - RTL 08-20-96 - Dogan Gokhan & Sema is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **918 W Millard Ct.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/30/2020.

Janesa Whelan came forward and was sworn.

Captain Lee asked to establish the relationship to the owner. Ms. Whelan advised that she is the property manager.

Mr. Mark Jones advised that the property was posted on January 30th with compliance due February 14th. There was a rental inspection on February 24th with numerous issues. He did receive notice from a property manager on August 19th that the owner is planning on selling the property. The property is occupied.

Ms. Whelan was hired the beginning of this year. The owner realized that she was out of code and hired her.

The ceiling has been repaired. The tenants have been neglecting this place. They let the AC leak cause the ceiling problem. Pest control was called in for the rats. They haven't paid their rent since April. The owner doesn't have the money for repairs and asked that the property be put on the market. The property is due to close tomorrow and she is here now representing the buyers requesting more time.

Mr. Jones stated that he is concerned that this property is being sold to an investment company that will presumably be renting and we have a property that is in extreme disarray. and it's still occupied.

Captain Lee advised that moving from one owner to another does not alleviate the responsibility for the position in this case.

Mr. Riggio asked if they would be citing the new owner. Mr. Jackson stated that we'd have to get to that point. The current owner is the respondent.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 44 - RTL 08-20-98 - St George Trade LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1030 Imperial**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/7/2019.

Sam Nashad came forward and was sworn. He is the owner.

Mr. Mark Jones advised that this case was opened in October 7, 2019 and compliance was due by October 21, 2019. The rental application was approved in November 2019 and the rental inspection conducted on November 25th. On January 6th the property was re-inspected and still missing bedroom smoke detectors and screens. There is another rental inspection scheduled for September 9th.

Mr. Nashad advised they took care of the two items.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 51 - RTL 08-20-105 - L & C INVESTMENT HOLDINGS LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **328 Madison Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/14/2020.

Mr. James Hall, authorized representative/handyman, came forward and was sworn.

Mr. Mark Jones advised that on August 26, 2019 a Notice of Violation was issued with compliance due September 13, 2019. The rental application was approved in November 2019. The rental inspection on December 20, 2019 had numerous items. The reinspection in February 2020 still had outstanding items.

There was another site visit scheduled for July 24th but it was not conducted due to miscommunication. There were still outside violations that hadn't been corrected. Last time Mr. Jones was there all three units were occupied.

Mr. Hall advised everything was completed and he had pictures of the areas of concern.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

Miscellaneous Business

MB-1

SMG 05-19-113 – 550 N Ridgewood Ave - Gold Label Holdings, LLC is cited for failure to correct violations of The Land Development Code, Art 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 704.1, 704.2, 302.7, 302.8, 304.2, 304.6, 304.7, 304.13, 304.14, 304.15, 305.3, 305.6, 603.1, 605.1 and 607.1). Violation(s) – Damaged interior and exterior surfaces, windows, doors, missing screens, roof, soffit and fascia, exposed wires, damaged fence, no smoke detectors, missing knobs for stove and exhaust vent covers. First Notified – 4/2/2019. **Order Imposing Fine/Lien of \$250.00 per day, effective February 11, 2020. Property is not in compliance. Amount due is \$20,000.00 plus \$24.00 recording costs = \$20,024.00.**

Mr. Jackson advised there was a stipulated agreement signed by the respondent Mr. Hovey on behalf of Gold Label Holdings, LLC. Captain Lee has also signed for the City and Mr. Jackson has signed as the Assistant City Attorney.

Request for approval: Mr. Jackson has requested the stipulated agreement was for \$17,000 be approved.

DISPOSITION: Mr. Riggio approved the stipulated agreement and reduced the lien amount to \$17,000.00. subject to being paid within 30 days of this order or it reverts back to the original amount.

CASE # 1 - 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 Accomodations" are not a permitted use in the zoning district. First Notified – 2/14/2020.

Respondents were not present.

Mr. Clifford Recanzone advised that this is an irreparable/irreversible violation. The property is now in compliance.

DISPOSITION: Mr. Riggio has found the Respondent in Non-Compliance and now in Compliance as of August 25, 2020. Any future violations will be brought back to a subsequent hearing for consideration of a fine up to \$15,000 per occurrence due to the violations being irreparable/irreversible.

CASE # 6 - 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. Jerome McCoy advised an inspection was conducted 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 September 16, 2020 or be returned to a subsequent hearing for consideration of a fine.

CASE # 7 - 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. Jerome McCoy advised an inspection was conducted 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 September 16, 2020 or be returned to a subsequent hearing for consideration of a fine.

CASE # 9 - 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.

Mr. Jerome McCoy advised an inspection was conducted and it failed.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of a fine.

CASE # 14 - 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. Mark Jones advised this case opened back in February. The rental inspection was scheduled for August 14th and the property manager didn't show up due to a mix-up. There is a rental inspection now scheduled for September 9, 2020. The property is occupied.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of a fine.

CASE # 16 - 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 advised the owner passed away and the sister is working on this. The rental application is in and under review.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of a fine.

CASE # 17 - 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.

Mr. Mark Jones advised the case opened in August 2019 with compliance by September 12, 2019. Rental inspection on June 17, 2020 indicated the need to order new windows. Documentation has been provided that they have been ordered.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of a fine.

CASE # 18 - 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.

Mr. Mark Jones advised this property failed a rental inspection on July 1st. There has been no contact with the owner to schedule the reinspection. The property is occupied.

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$100.00 per day, effective August 25, 2020, until the fine reaches a maximum of \$15,000 or the property comes into Compliance.

CASE # 20 - 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 advised that he has been in communication with the owner. The tenants will not allow any inspections due to the COVID virus.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of a fine.

CASE # 21 - 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.

Mr. Mark Jones advised that he has been in contact and there is a rental inspection scheduled for September 3rd. The property is occupied.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of a fine.

CASE # 22 - 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.

Mr. Mark Jones advised we have been in contact and there is an inspection scheduled for September 1st. The property is occupied.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of a fine.

CASE # 23 - 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.

Mr. Mark Jones advised the property failed the inspection on July 23, 2020. It was not ready for the inspection. It is occupied.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of a fine.

CASE # 26 - RTL 08-20-80 - Marisa Alderman ETAL & Deborah Cassiere is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **1333 Edgewater RD**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 7/8/2020.

Respondent was not present.

Mr. Jerome McCoy advised there is an inspection scheduled for this week.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 27 - RTL 08-20-81 - Ialvarez 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 **430 Goodall**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/17/2020.

Respondent was not present.

Mr. Jerome McCoy advised there has been no contact from the owners. He had to post the property.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 29 - RTL 08-20-83 - J Weiss Family LP is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **825 N Oleander 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. IRREPARABLE or IRREVERSIBLE** First Notified – 5/12/2020.

Respondent was not present.

Mr. Jackson advised that the inspector Mr. Clifford Recanzone advised that he has been in contact with the respondent's counsel and is requesting a continuance.

DISPOSITION: Mr. Riggio ordered that the case be continued to the September 22, 2020 hearing.

CASE # 30 - RTL 08-20-84 - Ronald Ajavon is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **108 Brasswood Ct.** 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. **IRREPARABLE or IRREVERSIBLE** First Notified – 7/27/2020.

Respondent was not present.

Mr. Clifford Recanzone advised the property was once in non-compliance and is now in compliance.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and now in Compliance as of August 25, 2020. Any future violations will be brought back to a subsequent hearing for consideration of a fine up to \$15,000 per occurrence due to the violations being irreparable/irreversible.

CASE # 31 - RTL 08-20-85 - James X & Joanne Santoriello is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **409 Zelda Blvd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/27/2019.

Respondents were not present.

Mr. Mark Jones advised this property was posted on December 27, 2019 with compliance due January 13th. He had been contacted by the owner on August 14, 2020. There is an inspection scheduled for September 11, 2020. The property is occupied.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 34 - RTL 08-20-88 - Ramnarain Bickram is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1290 9th St #107.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/11/2019.

Respondent was not present.

Mr. Mark Jones advised this property was posted on December 27, 2019. Failed the rental inspection on January 16th. The owner called on August 20th. There is a rental inspection scheduled for August 27, 2020.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 35 - RTL 08-20-89 - Resource Properties Inc is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1036 Michael Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 9/24/2019.

Respondent was not present.

Mr. Mark Jones advised that there was a rental inspection scheduled on February 2nd but it was cancelled. The property manager called on August 21, 2020 and there is an inspection scheduled. The property is occupied.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 38 - RTL 08-20-92 - Liu Iris Tr is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **628 Colfax Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/20/2019.

Respondent was not present.

Mr. Jones advised that there was an inspection on February 6th that failed. Messages have been left for the owner to schedule the reinspection. We have not heard back. The property is occupied.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 40 - RTL 08-20-94 - TIDI Inc is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **411 N Halifax Ave #107.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/23/2020.

Respondent was not present.

Mr. Mark Jones advised that we now have a rental inspection scheduled for September 3, 2020. The property is occupied.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 43 - RTL 08-20-97 - Mark & Beth Chrisley is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **515 Colfax Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/23/2019.

Respondents were not present.

Mr. Mark Jones advised there was no contact with the owner until yesterday afternoon. The owner left him a message that he wanted to schedule the inspection.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 46 - RTL 08-20-100 - Thomas Caldwell is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **936 N Oleander Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/13/2019.

Respondent was not present.

Mr. Mark Jones advised that the three units failed inspections on November 25, 2019. The reinspection was on August 21, 2020. They replaced one window without a permit and there were some outstanding issues.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 48 - RTL 08-20-102 - Randolph E Margrave is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **296 Brookline.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/14/2020.

Respondent was not present.

Mr. Mark Jones advised the last inspection was August 5, 2013. He did talk with the owner and explained the situation. There is now an inspection scheduled for August 27, 2020. The property is occupied.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

CASE # 50 - RTL 08-20-104 - US Bank Trust NA TR is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **367 Fordham**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/14/2020.
Respondent was not present.

Mr. Mark Jones advised this property failed an inspection October 18, 2019. He's had no contact with the owner. The property is occupied.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and ordered to come into Compliance by September 16, 2020 or be returned to a subsequent hearing for consideration of the imposition of a fine.

There is no further business.

The meeting was adjourned at 12:21 p.m.