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# City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

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## November 24, 2020 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney  
Captain Scott Lee, Daytona Beach Police Department  
Mr. Denzil Sykes, Neighborhood Services Manager  
Mr. Mark A. Jones, Neighborhood Services Field Supervisor  
Mr. Clifford Recanzone, Neighborhood Services Inspector  
Ms. Lawanda Tomengo, Neighborhood Services Rental Inspector  
Mr. Kevin Yates, Neighborhood Services Inspector  
Mr. Joseph Graves, Audio/Video  
Mr. Xavier Campbell, Audio/Video  
Ms. Karen Baum, Rental Program Technician/Board Secretary

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 9:15 a.m. and announced the procedure of the meeting.

Ms. Baum swore in members of staff.

Ms. Baum announced the following cases:

**CASE # 27 - RTL 11-20-132 - Allen Grant** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297 City Code Ch. 26 Sec. 26-294, at **201 Desoto St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 07/25/2019.

### **Compliance 11/19/2020**

Mr. Riggio stated the October minutes are complete but still being reviewed.

Hearing of cases:

**CASE # 6 - 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.

Mr. Thomas Caldwell came forward and was sworn in.

Field Inspector Mark Jones stated the case opened for no rental license, they failed inspection. He stated the property failed re-inspection and one window was replaced without permits. He stated they finalized their permit in October and at the November inspection they were unable to get into one unit and it failed inspection. He stated the property is occupied and he is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Caldwell stated he applied for the Rental License. He gave the Magistrate some pictures. He stated he is assuming the person he purchased the property from had a Rental License. He stated the property was in very bad condition and he spent a lot of money to get a license. He stated he put \$25,000 into the property. He stated the City was asking for what he thought are petty repairs and ultimately that cost gets passed to the tenant, which he won't do, but it contributes to the affordable housing problem in Daytona Beach.

Mr. Riggio discussed the state of the property with the Respondent.

Mr. Jackson stated he appreciates the argument of the Respondent but he wasn't asked to do any more than all landlords as there is a checklist.

Mr. Caldwell stated at the final inspection problems popped up about a fence and he hadn't heard anything before about a fence.

Mr. Riggio asked if the safety issues were taken care of and Inspector Jones stated yes and Mr. Riggio went through subsequent inspections and the violations that caused failure of the inspection.

Mr. Riggio asked the Respondent if he can get the remaining issues with the fence.

Inspector Jones stated a different inspector wrote the violation for the fence and Kevin Yates came forward. Mr. Yates explained the issues with the fence and what needed to be done.

Mr. Caldwell showed a video to Mr. Yates. There was discussion that the fence was not leaning and Mr. Caldwell said he would paint it.

Inspector Jones stated there was one unit that Mr. Yates was not able to get into.

Mr. Riggio stated the units appear to be in good shape compared to most.

Mr. Jackson stated he needed access and Mr. Caldwell stated he would get access if the Inspector would be reasonable.

**DISPOSITION:** Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of a fine.

**CASE # 26 - RTL 11-20-130 - Herbert S B & Lorin Kawesh** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **327 N Caroline**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/16/2019.

Mr. Herbert Kawesh came forward and was sworn in.

Inspector LaWanda Tomengo stated the Respondent had no inspection or Rental License (RTL). She stated she spoke with the tenant so it is occupied. She stated inspection is scheduled for mid-December and she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Kawesh agreed.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine.

**CASE # 2 - 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. Riggio gave the clerk exhibits from the previous case.

Mr. Chris Lim, attorney, came forward. He stated the property is vacant. He stated he emailed Karen Baum an affidavit the owner will not rent.

Mr. Jackson stated they had previous communication.

Mr. Riggio stated the Respondent has taken the property off the market.

Inspector Jones stated the case is for not having a rental license and if the property is vacant. He stated they can close the rental application and send an affidavit not to rent, but if rehabbing to rent will need a license.

Mr. Riggio asked for clarification on the affidavit that was signed.

Mr. Lim stated the owner signed an affidavit that he would take it off the rental market and after rehab he would seek a license at that time. He stated he would prepare a new affidavit to suit the City.

Mr. Jackson stated they still believe it to be a rental property and cannot monitor the property to make sure once it's rehabbed, they won't start to rent. He stated the property was still a rental even if it was vacant for a while.

Mr. Riggio stated the attorney agreed to an affidavit and they have an unauthorized squatter that they got out. He stated if they did rent it before getting a license it could be a \$500 per day fine.

**DISPOSITION:** Mr. Riggio Amended the Current Order of Non-Compliance and ordered that the Respondent come into Compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of a fine.

**CASE # 9 - RTL 09-20-112 - Heidi K. Cooper** is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **2568 E Coral Way**. 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 – 08/03/2020.

Heidi Cooper appeared via Zoom and was sworn in.

Inspector Clifford Recanzone stated the other accommodations such as short-term rentals are not allowed in this zoning district. He stated he found it online on June 17<sup>th</sup>. He stated the property was in Non-Compliance on June 17<sup>th</sup> and August 3<sup>rd</sup>, shortly after that. He stated the violation is irreparable and irreversible and does harm, and the City is requesting a fine in the amount of \$15,000.

Ms. Cooper stated she bought the house and the real estate agent told them it was an AirBNB but since losing income from COVID it put them in a situation. She stated her neighbors were doing it. She stated she obtained the state license and thought she was doing everything by the book. She stated her neighbors never expressed and displeasure. She stated she was less than 200 feet from the map where they are legal.

There was discussion as to how the Respondent would know they needed a license.

Mr. Recanzone stated if they were renting at all they would need and Business Tax Receipt and they would have known they were not in an area where short term rentals are allowed.

Mr. Riggio asked the Respondent about the license they got.

Ms. Cooper stated she has a state lodging license. She stated she called the City and they told her she was in the hotel zone and it was allowed.

Mr. Jackson stated the position of the City is that this violation is irreparable and irreversible and when someone advertises short-term rentals in our City, they are reaching millions of people around the world and our citizens and Commission do not want it. He stated it creates an advantage to those property owners who cannot do it. He stated this case came from a citizen who knew it was wrong and reported it. He stated any business needs to look to see if that kind of business can be done in that location.

Ms. Cooper stated she did not know and the Real Estate agent told them they could do it.

Mr. Jackson stated additional reasons why short-term rentals are not allowed.

Mr. Riggio agreed a business owner needs to contact the City to see what is required.

Mr. Jackson stated he looks at the gravity of the violation and explained the affects on the residential neighborhoods. He stated the violation is also egregious and explained the financial effects on other businesses. He stated they also look at the actions it takes to comply. He stated the listing was still online many more times than the Inspector checked it.

Ms. Cooper stated she removed the listing within hours.

Mr. Jackson stated he also looks at previous violations in consideration of the request for \$15,000. He stated the City has accepted vacation rentals according to the State Statute as holding the property out for guests. He stated they are in violation of our Code and is requesting a fine in the amount of \$15,000.

There was discussion as to how this differs from a will-fine.

Ms. Cooper stated when she originally spoke to Inspector Recanzone he told her she would be in compliance if she signed an affidavit or never rented again. She stated she spoke to an attorney and he said if she signed an affidavit it would be done and to never do it again.

Mr. Riggio asked the Inspector if he had those conversations and he said yes until he was informed that the violation was irreparable and irreversible.

Captain Scott Lee stated he sent a letter to those violators who were under the impression there was no financial impact that that is not the case.

Ms. Cooper stated she did not know about this hearing from a porch camera and stated she called Inspector Recanzone. She stated the ability to sign an affidavit also disappeared at this time.

Captain Lee stated the complaints for short term rentals are from parking, traffic, and parties with noise. He stated that's one of the reasons they have taken it this far. He stated the BTR process could have eliminated this.

Ms. Cooper stated they have rules to be in consideration of the neighbors and she does not allow family members to stay there because they may be obnoxious. She stated she was sorry.

Mr. Riggio stated at the end of the day she was operating a business but he thinks \$15,000 is too harsh.

**DISPOSITION:** Mr. Riggio found the Respondent was previously in Non-Compliance and ordered a fine in the amount of \$1,000 and that the violation was irreparable and irreversible and the that property is now in Compliance.

**CASE # 12 - RTL 09-20-115 - Jeff B & Sandra W Knox** is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **381 Brookline Avenue**. 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 – 08/11/2020.

Mr. Jeff Knox came forward and was sworn in.

Mr. Recanzone stated the Respondent is in violation of the City's Zoning rules and the case began as a complaint. He stated he found it online on July 7<sup>th</sup> and that the property was in Non-Compliance on July 30 and August 3. He stated he had contact on August 12<sup>th</sup> and he is requesting a fine of \$15,000 for violations that are irreparable and irreversible.

Mr. Knox stated he was told as long as he stopped he was ok. He stated they got a letter on July 30<sup>th</sup> and was told they just needed to stop renting.

Mr. Jackson again stated his previous argument as to how short-term rentals are affecting the neighborhoods and the factors to consider. He stated the case began as a citizen complaint.

Mr. Knox stated his sister-in-law was in the house and the next time it was his sister. He stated he purchased the property for him and his family to go visit and decided to put on AirBNB to pay some

bills. He stated he called Mr. Recanzone and he told him this would go away if he ceased to rent. He stated he didn't see the harm and brought tax money to the City.

Inspector Recanzone stated the dates of the violation were when it was advertised online.

There was discussion regarding and explanation to the Respondent by Mr. Recanzone where the Zoning area ends.

**DISPOSITION:** Mr. Riggio found the respondent was in Non-Compliance and imposed a fine in the amount of \$1,000.00, and that the violation is irreparable and irreversible, effective November 24, 2020 the property is currently in Compliance.

**CASE # 17 - RTL 11-20-121 - Corynne N Gerow** is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **319 Goodall**. 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 – 10/17/2020.

Ms. Corynne Gerow came forward and was sworn in.

Inspector Recanzone stated the property is here for a zoning violation and was a complaint by a citizen. He stated he found it online on Home Away on October 7<sup>th</sup> and VRBO on October 21<sup>st</sup> and AirBNB on November 5<sup>th</sup>. He stated there have been no violations since November 10<sup>th</sup> and is asking for a fine in the amount of \$15,000 for irreparable and irreversible. He stated he has had contact and the property is in Compliance.

Mr. Jackson reiterated his previous argument to allow the Respondent to respond. He also stated this property was advertised on multiple sites. He submitted a document of uses to the Magistrate and explained the State Statute, adopted by the City, as the definition of short-term rental. He stated they stopped after notifications.

Ms. Gerow stated she bought the house when she planned to moved to Daytona Beach and that move was delayed and she spoke to a Rental Agent who monitors it. She stated they had a rental license and sent in a renewal. She stated she received a Notice dated February 18<sup>th</sup>. She stated the violation was for failure to obtain a rental license and worked with Inspector McCoy. She stated she could not renew license due to COVID-19 and came to the house and made some minor corrections such as handrails. She stated she was renting and she received a compliance and the license. She stated the next notice she received was the October notification and she found out short-term rentals were not allowed and they had to rent the property for at least 6 months. She tried to find the place in the code and her Rental Agent was working with Mr. Recanzone. She stated the letter is false and they can rent longer than 30 days and the letter did not cite the Code properly. She stated she did not make sure it wasn't visible on the websites and subsequently pulled them down.

Captain Scott Lee clarified the difference between the City's long term rental form and short-term rentals.

Inspector Recanzone stated there are still dates available online for next month so it is active.

Ms. Gerow stated they made every effort that 30 days is the minimum stay on online advertising.

Mr. Jackson asked to clarify that the Respondent was not going to rent when she thought the length of time was 6 months and then decided to rent again when she found out it was 30 days.

Ms. Gerow stated she was not aware there was a short-term prohibition on her property. She found out from the October 7<sup>th</sup> that she received on the 31<sup>st</sup> so she looked into it. She stated it took two weeks until Mr. Recanzone came back and said it was a 30-day limit.

Mr. Riggio asked if the Respondent if she is leaning on a Property Manager that should know that is not allowed and what is required of a rental.

Ms. Gerow stated it is a friend who acts as a concierge.

Mr. Riggio asked the inspector about receipt of the notice on the 17<sup>th</sup> and the inspector again repeated the dates of the violation. He stated he is concerned the property is still in violation.

Ms. Gerow stated they weren't renting to anyone on a short-term basis and that any evidence was pulled down off the internet.

Mr. Jackson asked the inspector if the listings were for short term rental and Inspector Recanzone stated yes.

Ms. Gerow stated the were not renting the place even though the listing stayed up. She stated the October 7 notice was incorrect which stated the rental agreement must last more than 6 months.

Mr. Riggio read the October 7 notice.

Captain Lee clarified the State Statute regarding how long the property needs to be rented and the claim that it says it must be rented for more than 30 days but is not meant for transitory occupants.

Mr. Jackson explained transitory means short term.

Ms. Gerow states her concierge signs for green cards and she was out of town. She stated she was concentrating on understanding the statute instead of the online listing.

Mr. Recanzone stated he did an inspection on this house from the previous owners and the property now has new paint, new floors and he wasn't sure it was the same property.

Ms. Gerow stated she hasn't changed anything since April 2019.

Mr. Riggio stated the property was rented and continued to be rented after the date the notice was sent out and people involved should know the rules.

**DISPOSITION:** Mr. Riggio found the Respondent was not in Compliance and imposed a fine in the amount of \$10,000.00 and found that the violation is irreparable and irreversible and the property is now in compliance.

**CASE # 18 - RTL 11-20-122 - Jeremy J Jimenez & Kristina Nurk** is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **505 Silver Beach Ave.** Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 10/19/2020.

Ms. Kristina Nurk and Mr. David Russell, attorney, came forward and was sworn in.

Inspector Recanzone stated the Respondents are in violation of the zoning ordinance on June 7 and October 10. He stated as soon as they received the certified mail, they took it offline. He stated the action is irreparable and irreversible and he is asking for a fine in the amount of \$15,000.

Mr. Jackson stated the City is requesting a fine based on advertising and posted for short term rentals, an activity not permitted. He stated the advertising was posting online to millions. He stated the inspector identified these listing and these properties are operating in zones that do not desire the impact from transient living. He repeated his previous arguments as to how it affects the neighborhoods and the desire of the Commission that it be strictly enforced. He stated his previous arguments apply in this case. He asked for irreparable and irreversible.

Captain Lee spoke to the impact on the community.

Mr. Rothchild questioned Captain Lee regarding a notice that was mailed in October.

Inspector Recanzone stated there was a Notice mailed in July that was found to be lost in transit. He stated he resent a new Certified mail. He stated they signed for that.

Mr. Rothchild asked if when his client received the Notice in October that he immediately took it down within the time on the Notice.

Inspector Recanzone stated there was no notice with a time frame. He stated being online was the violation. He stated it was taken down the same way.

Mr. Rothchild asked if there was a complaint.

Inspector Recanzone stated he found it online.

Mr. Rothchild asked if the Inspector knew that it was his client's primary residence.

Inspector Recanzone stated it was on the Property Appraiser.

Mr. Rothchild asked Captain Lee if the arguments he gave pertained to this case.

Captain Lee stated not to this particular case and he was stating general information.

Mr. Rothchild quoted the Statute 106.09. He stated his client acted immediately and there is no basis to impose a fine. He stated his client had a listing but there is no proof it was rented out.

Mr. Jackson pointed the Magistrate to Chapter 162 section 8 subject to fines and stated it was irreversible and irreparable in nature. He pointed the Magistrate to Subsection One and the final line.

**DISPOSITION:** Mr. Riggio found the Respondent was not in Compliance and imposed a fine in the amount of \$1,000.00 and found that the violation is irreparable and irreversible and the property is now in compliance.

**CASE # 31 - RTL 11-20-136 - Rivera Family Properties LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **900 S Peninsula Dr #302**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/25/2018.

Ms. Watson Sloan, attorney, came forward. She stated the properties are managed by an association and she is here for the attorney who is out of town.

Inspector LaWanda Tomengo stated the property had no rental license. She stated the owner applied and approved 2018 but the inspection failed. Rental re-inspection has never been scheduled. She stated the tenant confirmed it was a rental and she conducted a re-inspection and it failed. She stated she is scheduled to re-inspect first of December and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Sloan stated the Property Management is in agreement. She stated she spoke to the inspector.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine.

**CASE # 32 - RTL 11-20-137 - Rivera Family Properties LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **900 S Peninsula Dr #212**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 09/26/2018.

Inspector LaWanda Tomengo stated the property had no rental license. She stated the owner applied and was approved 2018 but the inspection failed. Rental re-inspection has never been scheduled and the license continued to renew in the system. She stated the tenant confirmed it was a rental and she conducted a re-inspection and it failed. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Sloan stated the Property Managers agree.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine.

**CASE # 33 - RTL 11-20-138 - Gregory I LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **900 S Peninsula #107**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/04/2018.

Inspector LaWanda Tomengo stated the property had no rental license. She stated the owner applied and approved in 2018 but there was no rental inspection. She stated she re-inspect and it failed 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 January 20, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine.

**CASE # 34 - RTL 11-20-139 - Estrella De Mar LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **900 S Peninsula Dr #301**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 09/25/2018.

Inspector LaWanda Tomengo stated the property was a rental and had no rental license. She stated she spoke to someone at the property Management company and they said it was vacant and up for sale. She stated there is no inspection yet and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Sloan stated the same.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine.

**CASE # 35 - RTL 11-20-140 - JIL Invest LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **900 S Peninsula #105**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/15/2018.

Inspector LaWanda Tomengo stated the property is a rental and had no rental license. She stated an inspection was scheduled and failed. She stated the property needs a re-inspection and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Sloan stated the Property Management is in agreement.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine.

**CASE # 36 - RTL 11-20-141 - Agostina LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **900 S Peninsula Dr #104**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 09/21/2018.

Inspector LaWanda Tomengo stated the property was a rental and had no rental license or inspection. She stated the owner applied for. Rental re-inspection was scheduled in October which failed. She stated she is scheduled to re-inspect first of December and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Sloan stated the same.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine.

**CASE # 37 - RTL 11-20-142 - Frandon USA LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **900 S Peninsula Dr #102**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/06/2018.

Inspector LaWanda Tomengo stated the property was a rental and had no rental license or inspection. She stated the owner applied for and approved in 2018. Rental re-inspection was

completed and failed. She stated there has been numerous inspection that have failed and she is scheduled to re-inspect in mid-December and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Sloan stated the same.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine.

**CASE # 38 - RTL 11-20-143 - Frandon USA LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **900 S Peninsula Dr #103**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 09/25/2018.

Inspector LaWanda Tomengo stated the property was a rental and had no rental license or inspection. She stated the owner applied for and approved in November 2018. Rental re-inspection did not happen. She verified with tenant that it was a rental. She stated she went to the property for re-inspection and it failed. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Sloan stated the same.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine.

**CASE # 39 - RTL 11-20-144 - BOTS Daytona LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **900 S Peninsula Dr #110**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/01/2018.

Inspector LaWanda Tomengo stated the property was a rental and had no rental license or inspection. She stated the owner applied for and approved and the license continues to renew. She stated the inspection failed. She stated she left a contact card to confirm rental. Rental re-inspection was scheduled which failed. She stated she is scheduled to re-inspect in December and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Sloan stated the same.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine.

**CASE # 40 - RTL 11-20-145 - BOTS Daytona LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **900 S Peninsula Dr #112**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/01/2018.

Inspector LaWanda Tomengo stated the property was a rental and had no rental license or inspection. She stated the owner applied for and approved in November. She stated the rental inspection failed. She stated she confirmed rental with the tenant and there an inspection

scheduled to re-inspect first of December and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Sloan stated the same.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine.

**CASE # 41 - RTL 11-20-146 - BOTS Daytona LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **900 S Peninsula Dr #114**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/01/2018.

Inspector LaWanda Tomengo stated the property was a rental and had no rental license or inspection. She stated the owner applied for approved in November of 2018. Rental re-inspection was scheduled which failed. She stated she conducted an inspection which failed. She stated the property needs a re-inspection and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Sloan stated the same.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine.

**CASE # 10 - RTL 09-20-113 - Charley Chang Oh** is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **117 S Halifax Ave**. Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. IRREPARABLE or IRREVERSIBLE. First Notified – 05/13/2020.

Mr. Charley Chang Oh came forward and was sworn in.

Mr. Jackson stated after discussion with staff, the case is being withdrawn.

Mr. Oh had no objection.

There was discussion whether the case should be dismissed or withdrawn.

**DISPOSITION:** Mr. Riggio ordered that the case be dismissed.

**CASE # 3 - 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, Property Manager, came forward and was sworn in. She stated she had scheduled a plumber and the owner told her she had a test for COVID. She said the case was negative and she had strep. She stated the plumber is there today.

Inspector Jones stated he has had no contact since the last meeting and he is requesting a fine in the amount of \$100 to a maximum of \$15,000.

Ms. Smith stated she replaced the smoke alarms and the plumbing is left.

**DISPOSITION:** Mr. Riggio ordered that a fine in the amount of \$100 per day will automatically be imposed on December 7, 2020 to a maximum of \$15,000 or until Compliance achieved.

**CASE # 4 - RTL 09-20-108 - Metwaly Gamal & Lisa** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **2711 N Halifax #376**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 02/24/2020.

Inspector Jones stated they failed rental inspection for screen door and smoke alarms. He stated he is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Ms. Smith stated the screen door is 40 years old. She stated she was also told about a sliding door. She stated the parts have been ordered. She stated the installer will have it done by November 30.

**DISPOSITION:** Mr. Riggio ordered that a fine in the amount of \$100 per day automatically be imposed on December 7, 2020 to a maximum of \$15,000 or until Compliance achieved.

Mr. Riggio adjourned the meeting at 12:38 p.m. for about 15 minutes.

The meeting resumed at 1:00 p.m.

**CASE # 8 - RTL 09-20-111 - Tighe Kirsten** is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **3000 Princeton**. 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 – 08/28/2020.

Ms. Kirsten Tighe came forward and was sworn in..

Inspector Recanzone stated the property was in violation of the zoning regulations for "Other Accomodations" also known as Short Term Rentals. He stated he opened the case after he found the property online. He stated there were a lot of complaints in the area and this house was not a part of the complaint. He stated the property was in Non-Compliance on May 11, August 31 online and saw multiple trucks there on September 3<sup>rd</sup> for the truck event. He stated the violations have not continued since September 5<sup>th</sup>. He stated he spoke to the property owner and she stated she was making money in August and the violations are irreparable and irreversible.

Mr. Jackson stated he is looking for a finding of irreparable and irreversible and re-iterated his previous arguments in relation to verification and online advertising. He discussed the compatibility with residential neighborhoods. He stated the City has adopted the State Statue as a part of the City's code regarding advertising and definition a vacation rental. He stated there were 3 violations and the Inspector check and the advertising remained. and requested a fine in the amount of \$15,000.

Captain Lee spoke regarding the impact on the neighborhood.

Ms. Tighe stated there have been no complaints from her neighbors. She stated she has lived there for 30 years and explained why she felt she was forced financially to rent the property. She

stated she took it down in October and her last guest was March. She stated friends of her sons came during truck week. She stated she was making \$10,000 a year with AirBNB and she stated she paid her bed taxes. She stated she has closed the site and because of her health cannot get a job. She stated she feels like she is being forced out of her house and the kids at Seabreeze High School park there.

There was discussion regarding the kids parking there.

Mr. <sup>RECANZONE</sup>Riggio stated that the Inspector received acknowledgement of receipt of the notice on August 28<sup>th</sup> and she pulled the listing off on August 31<sup>st</sup>. He stated she then rented the property for the truck event on September 3<sup>rd</sup>.

Ms. Tighe stated they were scheduled to come before Mr. Recanzone notified her. She stated they were personal friends. She stated she had them enlist through AirBNB simply for the City to get their tax money. She stated they were booked before the Notice.

There was discussion regarding Ms. Tighe's health and financial situation.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance, that the violation is irreparable/irreversible and imposed a fine in the amount of \$7,500 and for any future violations may be returned to a subsequent meeting for consideration of a fine up to \$15,000 per occurrence for any repeat violations.

**CASE # 11 - RTL 09-20-114 - Keith C Conklin** is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **540 N Ridgewood Ave (Parcel address 547 High St)**. Violation(s) – Zoning violation - the property is zoned BP. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. IRREPARABLE or IRREVERSIBLE. First Notified – 05/29/2020.

Mr.Keith Conklin came forward and was sworn in.

Inspector Recazone stated other accomoations, also known as short term rentals, are not allowed in this zone. He stated he found the property online on May 18<sup>th</sup>. He stated he was contacted by the property owner and he brought the property into compliance on September 10 and is asking for a fine in the amount of \$15,000 because the violations are irreparable and irreversible.

There was discussion as to what the corrected dates were. Mr. Recanzone stated he found the listing online on May 18<sup>th</sup>. He stated he sent certified mail and then posted the property on September 10<sup>th</sup> and that is the day the owner called him. He stated there has been no listing since September 10<sup>th</sup>.

Mr. Conklin stated the COVID came and the Ocean Center was staging supplies. He stated he posted on airBNB in March so that the doctors would have a place to stay. He stated he took it down in May because he didn't get any requests. He stated he spoke to Mr. Recanzone and he told him it was ok he was in compliance. He stated the zoning was incorrect on the Notice and he is located in zoning BP. He stated he is making the community better. He stated he did inspections and he was in compliance. He stated he would like a warning.

Mr. Recanzone showed a chart and under BP zoning, short term rentals are not allowed. He stated there are additional requirements to become a hotel or motel. He stated he did have contact with

the Respondent and he was incorrect when he told the Respondent it was in Compliance but because the violation is irreparable and irreversible compliance cannot be achieved.

Mr. Conklin stated irreparable and irreversible is new.

Mr. Jackson stated the Respondent ceased the violation in September.

Inspector stated he only saw the property online in May.

Mr. <sup>RECANZONE</sup> Riggio stated he was notified and took it down.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance, that the violation is irreparable/irreversible and is now in Compliance and imposed a fine in the amount of \$1,000 and for any future violations may be returned to a subsequent meeting for consideration of a fine up to \$15,000 per occurrence for any repeat violations.

**CASE # 14 - RTL 11-20-118 - Joseph Leonard Risse Jr** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297 City Code Ch. 26 Sec. 26-294, at **1158 Hampton Rd.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 05/09/2020.

Mr. Joseph Risse came forward and was sworn in.

Inspector Kevin Yates stated the case came from a Citizen complaint and he confirmed the property of occupied through inspection. He stated the Respondent has not applied for the license and he has had no contact and is asking for Non-Compliance and next cutoff for Compliance.

Mr. Risse stated he used to live there and got a variance to add the front room on it but since he has been renting it, he has chosen tenants badly. He stated he has a crew working on the house so that he can get the license.

Mr. Riggio asked if anyone was living there.

Mr. Risse stated there is couple and toddler. He asked what he needs to do with the people in there. He asked if he has to kick them out.

Mr. Riggio asked about the safety issues.

Mr. Yates stated it was in pretty bad shape. He stated the roof is leading and caused puddles.

Mr. Risse stated that had been fixed.

Mr. Yates stated there was no application and will need a licensed contractor.

Mr. Risse stated his roof was patched and someone else did the inside. He stated he put in about 40 smoke detectors and they tear them off.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine.

**CASE # 15 - RTL 11-20-119 - OT Investments LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **121 Maplewood Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 05/21/2020.

Mr. Artis Hornes came forward and was sworn in.

Inspector Yates stated the case was field generated and the Respondent failed rental inspection on July 27, 2020. He stated re-inspection has not been scheduled. He stated he spoke to the owner who told him that COVID was a financial issue. He stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance. He stated the property was occupied but didn't see anyone.

Mr. Hornes stated it is occupied and scheduled for inspection on December 2<sup>nd</sup> which was set up with Inspector Stenson. He stated Mr. Stenson called him on the 14<sup>th</sup> and there are 2 properties are side by side and set for 9:30 and 9:45. He stated he applied for the license.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine.

Mr. Yates stated he presented his evidence for 219 Pierce. He stated he has a note that the respondent did call and has inspections scheduled for December 2<sup>nd</sup>.

**CASE # 16 - RTL 11-20-120 - Charbel Mohsen** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **219 Pierce Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 07/07/2020.

Mr. Eric Brinkerhof, agent for the owner came forward and was sworn in.

Mr. Yates restated the information on this property and stated it had many issues. He stated the same issues were there at re-inspection. He stated the owner call and said he was being affected financially by COVID-19 and is asking for Non-Compliance and next cutoff to come into compliance.

Mr. Brinkerhof stated the owner works for the DOD in Afghanistan. He stated he manages the property. He stated everything has been corrected and they contacted Mr. Yates.

Mr. Brinkerhof stated the Inspector disrespected his agent and decided to waste time and come to this meeting. He stated he has paid the fee and Ms. Baum told him she would schedule an inspection.

Mr. Jackson stated staff is looking for a finding of Non-Compliance and next cutoff for compliance.

**DISPOSITION:** Mr. Riggio found the respondent in Non-Compliance and ordered the respondent to come into compliance by January 20, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine.

**CASE # 19 - RTL 11-20-123 - Raymond & Brenda Ramirez** is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **307 Fordham 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 – 10/28/2020.

Mr. Raymond Ramirez and Ms. Brenda Ramirez came forward and were sworn in.

Inspector Recanzone stated the case is a zoning violation and he found it online August 31<sup>st</sup> 2020. He stated the property owner told them in November they had people coming in November and December. He stated he found violations on August 31, October 28 and November 10<sup>th</sup> and no sign of the listing since November 18. He stated the City is asking for a finding of irreparable and irreversible and a fine in the amount of \$15,000.

Captain Lee stated his testimony was the same and has complaints on this specific property.

Mr. Jackson stated he is requesting irreparable and irreversible and that his argument is the same as previous cases for the record. He stated the land owner is doing this against the law.

Mr. Ramirez stated they acknowledge their ignorance of the ordinance. He stated they spoke to Mr. Recanzone to clarify that not just ceasing was not all that was required and it took a real effort to deactivate the house. He stated that conversation took place on November 10<sup>th</sup> when Mr. Recanzone told him to deactivate the house which he received confirmation of on November 13<sup>th</sup>. He stated they cancelled all future rentals and they plan to sell the home.

Mr. Riggio asked if the Respondents signed for the mail in November and Inspector Recanzone confirmed. He asked about the conversation Mr. Recanzone

Mr. Riggio asked if the Respondents cancelled the November and December bookings and Ms. Ramirez stated yes.

Mr. Ramirez stated they had to leave VRBO up until people got their deposits back.

Ms. Ramirez stated it was set up that it could not be booked online and they had to call.

Mr. Ramirez stated after they went through the deactivation process, he reached out to the inspector and has yet to hear back. He stated he printed his phone records.

Mr. Riggio asked the Inspector if he was aware of anyone else renting the home after November 2<sup>nd</sup> and Inspector Recanzone stated no.

Mr. Riggio asked the Inspector if the dates were blocked out when he logged onto the site in November and Inspector Recanzone stated he could still click on the dates.

Inspector stated when the account is activated that it shows the main VRBO page. He stated when the dates are blocked out, he cannot even see the dates. He stated since November 19<sup>th</sup> there have been no violations.

Mr. Ramirez stated he has a report that shows the entire rest of 2020 was blocked out.

Mr. Riggio stated he accepts his statement under oath.

**DISPOSITION:** Mr. Riggio found the Respondent was previously in Non-Compliance and ordered a fine in the amount of \$1,000 and found that the violation was irreparable and irreversible and that the property is now in Compliance.

**CASE # 21 - RTL 11-20-125 - Craig Hartmann** is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **529 Temko Terr.** 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 – 10/29/2020.

Mr. Craig Hartmann came forward and was sworn in.

Inspector Recanzone stated the case is here for a zoning violation for short term rentals. He stated there was a complaint on October 6 and he found the property online at the end of October. He stated the property was in Non-Compliance on October 29<sup>th</sup>. He stated he is asking for a finding of irreparable and irreversible and is requesting a fine in the amount of \$15,000.

Mr. Hartmann stated he discovered the notice on the property on the 29<sup>th</sup> and immediately took the property offline but AirBNB would not let him take the property offline until his cancellations were completed. He stated he had about \$4000 booked for the next 2 months. He stated they were all cancelled.

Mr. Jackson stated the information is consistent with the testimony of the inspector and asked the Magistrate to consider the previous testimony regarding irreparable and irreversible. He stated they are asking for a fine in the amount of \$15,000.

Mr. Riggio asked the inspector if the property is currently in compliance and Mr. Recanzone stated yes.

Mr. Riggio asked the inspector if the Respondent moved expeditiously and Inspector Recanzone stated yes.

Mr. Hartmann stated he had never rented to anyone.

**DISPOSITION:** Mr. Riggio found the Respondent was previously in Non-Compliance and ordered a fine in the amount of \$1,000 and found that the violation was irreparable and irreversible and that the property is now in Compliance.

**CASE # 22 - RTL 11-20-126 - Johnny Kyle Davis** is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **2005 Schulte 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 – 10/28/2020.

Mr. Johnny Kyle Davis came forward and was sworn in.

Inspector Recanzone stated the case is a zoning violation for short term rentals which are not allowed in this zoning district. He stated the case began as a citizen complaint on September 30 and he found it on line the first of October. He stated the property was in Non-Compliance on October 28<sup>th</sup> and since November 18<sup>th</sup>, there have been no sign of future violations. He stated he is asking for a finding of irreparable and irreversible and is requesting a fine in the amount of \$15,000.

Mr. Davis stated asked the Inspector about the complaint. He stated the property had not passed inspection or had occupancy on that date. He stated he purchased the property and it was in dis-

repair and the code guy lived next door. He stated there is an apartment next door and a duplex where the code officer was moving. He stated he made a beautiful home and cleaned up all of the code violations. He stated they had permission from the building department to spend nights in it while they worked on it. He stated the house was listed on AirBNB. He stated he was ignorant of the law. He stated he left on October 28<sup>th</sup> and returned on the Sunday. He stated he checked to see if the lawn people mowed and found the notice. He stated he removed the listing and called the Inspector and left a message. He stated he called on the cell and the officer called him back. He stated he immediately brought it into compliance. He stated it would not happen again.

Inspector Recanzone stated he found the property listed online October 28<sup>th</sup>.

Mr. Jackson asked the Magistrate to take notice of the previous irreparable and irreversible argument.

Mr. Hartmann stated his building permits were finalized on October 14<sup>th</sup>.

Mr. Riggio asked the Inspector what the complaint received on the property was.

Inspector Recanzone stated short term rentals and failure to obtain building permits. He stated he found the permits in the system and they were filed. He stated the only thing he found from the complaint were short term rentals.

Mr. Riggio stated as of State law, the posting is the violation and Inspector Recanzone agreed.

**DISPOSITION:** Mr. Riggio found the Respondent was previously in Non-Compliance and ordered a fine in the amount of \$1,000 and found that the violation was irreparable and irreversible and that the property is now in Compliance.

**CASE # 25 - RTL 11-20-129 - Deborah A Noon** is cited for failure to correct violations Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **264 Woodland 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 – 10/22/2020.

Ms. Deborah Noon and Mr. Martin Noon came forward and were sworn in.

Inspector Recanzone stated the case is here for a zoning violation for short term rentals. He stated he opened the case on October 21. He stated he found it online on the same day. He stated the property was in Non-compliance on October 22, November 11 and November 12. He stated there has been no activities since November 18<sup>th</sup>. He stated he is asking for a finding of irreparable and irreversible and is requesting a fine in the amount of \$15,000. He stated all of the postings were on AirBNB.

Ms. Noon stated they did not see the posting until November 6<sup>th</sup>. She stated she called immediately and he called her back on November 10 and she told him she would try to take it off but it is not easy and has not rented for over a year and she lives there. She stated she took it off on November 12<sup>th</sup>. She stated she made a mistake and did not know. She stated she had no intentions of renting or violating the code.

Mr. Riggio asked the Inspector about the call on November 10<sup>th</sup> and he checked the site and the property was gone on November 11<sup>th</sup>.

Mr. Jackson asked the Respondent that it was an accident to post.

Ms. Noon stated she placed the advertisement on. She stated she didn't understand the codes. She stated during COVID she did not rent and considered not renting.

Mr. Jackson stated his previous arguments regarding irreparable and irreversible still stand.

**DISPOSITION:** Mr. Riggio found the Respondent was previously in Non-Compliance and ordered a fine in the amount of \$1,000 and found that the violation was irreparable and irreversible and that the property is now in Compliance.

**CASE # 1 - 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 Jones stated the owner died and he has been working with the sister who has to evict the tenant. He stated the property is now part of a guardianship they are working through and he is asking to amend to the next cutoff.

**DISPOSITION:** Mr. Riggio amended the current order of Non-Compliance and ordered the Respondent to come into compliance by January 20, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 5 - RTL 08-20-93 - Select International Advisors LLC & AAA Real Estate Investment Services 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.

Respondent was not present.

Inspector Jones stated the case opened in December 2019 and failed a rental inspection for numerous items in October 2020. He stated he has had not contact and the property is occupied. He stated he is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

**DISPOSITION:** Mr. Riggio ordered that a fine in the amount of \$100 per day be imposed, effective November 24, 2020, to a maximum of \$15,000 or until Compliance achieved.

**CASE # 28 - RTL 11-20-133 - Jolee Rubin** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1362 Bellevue Ave**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 07/20/2020.

Respondent was not present.

Ms. Tomengo stated the property is a rental. She stated the property failed inspection in October and no re-inspection was scheduled. She stated she had contact with the respondent who asked for more time. She stated the Respondent gave her no information that the violations were being corrected. She stated on November 6, 2020 the re-inspection failed. She stated she has a re-

inspection tomorrow and is requesting a finding of Non-Compliance and next cutoff to come into compliance.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into compliance by January 20, 2021 or be returned to a subsequent meeting for consideration of a fine up the \$15,000 or until compliance is achieved.

**CASE # 29 - RTL 11-20-134 - Caroline Daytona Properties LLC** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297 City Code Ch. 26 Sec. 26-294, at **150 N Caroline St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 10/15/2019.

Respondent was not present.

Ms. Tomengo stated the property is a rental without license or inspection. She stated the application was approved in October. She stated she went onsite and spoke to a tenant and asked him to notify the owner but has not had any contact. She stated she is requesting a finding of Non-Compliance and next cutoff to come into compliance.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into compliance by January 20, 2021 or be returned to a subsequent meeting for consideration of a fine up the \$15,000 or until compliance is achieved.

**CASE # 30 - RTL 11-20-135 - Consolidated Trust Services** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297 City Code Ch. 26 Sec. 26-294, at **104 Shoal Creek Cir.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 07/22/2019.

Respondent was not present.

Ms. Tomengo stated the property is a rental without license or inspection. She stated the application was approved in August 2019. She stated she went onsite and verified it was occupied. She stated she received a call from the tenant. She stated she received a call yesterday from the Property Manager and she has scheduled an inspection. She stated she is requesting a finding of Non-Compliance and next cutoff to come into compliance.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into compliance by January 20, 2021 or be returned to a subsequent meeting for consideration of a fine up the \$15,000 or until compliance is achieved.

**CASE # 13 - RTL 11-20-117 - Suzanne N Slaughter Rev Tr 1 Susanne N Slaughter as Trustee** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **2604 Tulane Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 06/23/2020.

Respondent was not present.

Inspector Kevin Yates stated the case was opened in June and was field generated. He stated the owner failed the initial inspection as well as inspections which occurred on September 20, November 22, 2019 and November 19, 2020. He stated a new re-inspection has not been scheduled and he is requesting a finding of Non-Compliance and next cutoff to come into

Compliance. He stated there are only a few violations left and he thinks they will be able to correct them.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into compliance by January 20, 2021 or be returned to a subsequent meeting for consideration of a fine up to the \$15,000 or until compliance is achieved.

Mr. Riggio called at recess at 3:51 p.m.

The meeting resumed at 4:02 p.m.

**CASE # 7 - 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 Accommodations" are not a permitted use in the zoning district. IRREPARABLE or IRREVERSIBLE. First Notified – 5/12/2020.

Respondent was not present.

Ms. Baum stated the Respondent was here and had to leave.

Mr. Recanzone stated the violation is a zoning violation and short-term rentals are not allowed in this district. He stated the property was found online in May and he opened the case. He stated the property was in Non-Compliance on May 4, June 5 and July 22, August 17 and believes the property is still online as of yesterday. He stated the City is requesting a fine in the amount of \$15,000.

Mr. Jackson reviewed the case details and how the property went off the posting and then back on.

Mr. Recanzone stated the property came back up on a different website.

Mr. Jackson reiterated his argument regarding irreparable and irreversible and how short-term rentals affect the neighborhoods and residents of the City.

Captain Lee asked that his previous testimony apply here for the record.

There was discussion regarding the Respondent who was here this morning and left for a doctor's appointment. Officer Cortland Lampe stated they did not have a number for him.

**DISPOSITION:** Mr. Riggio found the Respondent was previously in Non-Compliance and ordered a fine in the amount of \$15,000 and found that the violation was irreparable and irreversible and that the property remains in Non-Compliance.

**CASE # 20 - RTL 11-20-124 - Charlene A Solon** is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **727 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 – 10/27/2020.

Respondent was not present.

Inspector Recanzone stated the case is here for a zoning violation for short term rentals. He stated the property was moved to a private website for posting after it was discovered.

Mr. Jackson stated the transient nature of short-term rentals and the affects to the community of short-term rentals and expressed the Commission's request to enforce this ordinance. He stated staff is asking for a finding of irreparable and irreversible and the actions the Respondent took are not adequate and the listing was moved to a private website. He stated there were previous violations and requested a fine of \$15,000.

**DISPOSITION:** Mr. Riggio found the Respondent was previously in Non-Compliance and ordered a fine in the amount of \$15,000 and found that the violation was irreparable and irreversible and that the property remains in Non-Compliance.

**CASE # 23 - RTL 11-20-127 - Jan Voda** is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1901 N Halifax Av.** 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 – 07/27/2020.

Respondent was not present.

Inspector Recanzone stated the case is here for a zoning violation for short term rentals which are not a permitted use in this district. He stated the property has multiple complaints. He stated he found the property online in May of 2020. He stated the property was posted in November 2020. He stated the property was in Non-Compliance on May 11, October 15<sup>th</sup>, October 28<sup>th</sup> and November 17<sup>th</sup> and is still active. He stated he has had no contact and all notifications were posted on the property. He stated the violations are irreparable and irreversible and is asking for a fine in the amount of \$15,000.

Mr. Jackson stated he finds it interesting they have not heard anything from the respondent. He stated the violation was found from a citizen complaint and the Inspector was able to verify online in May and July and October. He stated there is no evidence that the conduct has ceased. He stated staff is asking for a finding of irreparable and irreversible and a fine in the amount of \$15000. He reiterated his argument regarding it being advertised and the transient nature of short-term rentals. He stated these violations take away from the hotel and motel and into areas where there is no regulation and interferes with the peaceful enjoyment of the homeowners.

**DISPOSITION:** Mr. Riggio found the Respondent was previously in Non-Compliance and ordered a fine in the amount of \$15,000 and found that the violation was irreparable and irreversible and that the property remains in Non-Compliance.

Mr. Recanzone corrected the posting date to July.

**CASE # 24 - RTL 11-20-128 - CONFIDENTIAL** is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **725 N Peninsula.** 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 – 10/26/2020.

The Respondents came forward and was sworn in. The respondent remains confidential.

Inspector Recanzone stated the case is here for a zoning violation for short term rentals which are not a permitted use in this district. He stated the case began as a complaint. He stated he found the property online. He stated the property was posted, in. He stated the property was in Non-Compliance on October 25 and November 12 and doesn't show any violations after November 17. He stated the violations are irreparable and irreversible and is asking for a fine in the amount of \$15,000.

Mr. Jackson stated his prior arguments of irreparable and irreversible be taken into consideration.

Mr. Riggio explained the factors he takes into consideration. He stated one of those factors was to cease and desist by getting off the platform and ceasing rentals. He stated he was informed that the action in this case was that the advertising was immediately removed.

The Respondent stated she did not live on the property and got the notice on November 12. She stated she immediately canceled the listing.

The Respondent stated they were trying to sell the property.

**DISPOSITION:** Mr. Riggio found the Respondent was previously in Non-Compliance and ordered a fine in the amount of \$1,000 and found that the violation was irreparable and irreversible and that the property remains in Non-Compliance.

Mr. Riggio announced return from the confidential case.

Mr. Riggio asked for any Miscellaneous Business and Mr. Jackson reminded the Magistrate there is no meeting in December.

The meeting was adjourned at 5:10 p.m.