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# City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

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## March 23, 2021 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney  
Mr. Denzil Sykes, Neighborhood Services Manager  
Mr. Mark A. Jones, Field Supervisor  
Mr. Cliff Recanzone, Rental Inspector  
Ms. LaWanda Tomengo, Rental Inspector  
Mr. Kevin Yates, Rental Inspector  
Mr. Steven Cole, Rental Inspector  
Ms. June Barnes, Board Secretary

Approval of Minutes by:  Special Magistrate

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

Ms. Barnes announced the following cases in compliance.

*CASE # 12 - RTL 03-21-77 - Daniel W & Kimberly A Phipps is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at 506 Silver Beach Ave. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/23/2019.*

*Compliance 3-19-2021*

*CASE # 32 - RTL 02-21-47 - Lazzetta B Webster is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 414 Lockhart Street. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/7/2019.*

*Compliance 3-19-2021*

Mr. Riggio approved the February 23, 2021 meeting minutes.

Ms. Barnes swore in members of the staff who are testifying.

Mr. Riggio announced the procedure of the meeting and called the first case.

**CASE # 1 - RTL 03-21-58 - Rosita Karlsson** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **439 Auburn Dr 203**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/1/2020.

Respondent was not present.

Inspector Steven Cole stated the case was field generated and the Respondent contacted him on March 29 and scheduled an inspection which failed. He stated he is asking for 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 April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 2 - RTL 03-21-52 - Stemmler Properties LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **902 Lewis Dr**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/28/2020.

Respondent was not present.

Inspector Cole stated the property has been inspected multiple times and is in Non-Compliance. He stated he is asking for 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 April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 3 - RTL 03-21-65 - Charles H Jr & Susanna D Swisher** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **504 Heineman St**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/5/2020.

Respondent was not present.

Inspector Cole stated the property has an inspection scheduled for March 30<sup>th</sup> and is asking for 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 April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 4 - RTL 03-21-66 - John L Dunbar** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **732 Edwards St**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/15/2020.

Respondent was not present.

Inspector Cole stated the case began as a citizen complaint. He stated he instructed the Respondent to contact planning for a use determination. He stated he is asking for 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 April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 5 - RTL 03-21-59 - Margaret J Delong** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **739 Colfax Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/31/2020.

Suzanne Murphy came forward and was sworn in. Ms. Murphy stated Ms. Delong is her mother.

Inspector Cole stated the case began as a citizen complaint. He stated the property was inspected on March 17<sup>th</sup> and is asking for a finding of non-compliance and next cutoff to come into Compliance.

Mr. Riggio asked the respondent if she can be done by April 21<sup>st</sup>.

Ms. Murphy stated she can be done in a month and told the Magistrate the things that she has already done.

Inspector Cole stated the Respondent has done considerable work.

Mr. Riggio told the Respondent to stay in touch with the Code Inspector.

Inspector Cole stated there are two additional rooms that he was not able to inspect.

Ms. Murphy stated the property was quit claimed to her by her sister and would like the name on the case changed.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day. It is further ordered that the name on the case be changed to the new owner Suzanne Heisley Murphy.

**CASE # 6 - RTL 03-21-75 - Allen Community Development Inc** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **310 Kingston Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/21/2020.

Mr. Nathan Mugala came forward and was sworn in.

Inspector Recanzone stated the application for Business Tax Receipt was never completed. He stated the Respondent only requires a BTR and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Mugala stated he has submitted the application.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 7 - RTL 03-21-74 - Comstock Ave LLC** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **580 Mulberry St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/21/2020.

Respondent was not present.

Inspector Recanzone stated the Rental License is on hold and inspection is scheduled for March 29, 2021. He stated he is asking for 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 April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 8 - RTL 03-21-73 - Legacy's for Life Inc** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **165 North St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/21/2020.

Ms. Ellen Tetreault came forward and was sworn in.

Inspector Recanzone stated the Respondent is working with the City and is requesting a progress report in May and compliance by the July cutoff date.

Ms. Tetreault agreed.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to appear at the May 25, 2021 meeting for a progress report and bring the property into Compliance by July 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 9 - RTL 03-21-76 - Liza Renee Stonecipher** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **216 Mullally St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/29/2020.

Respondent was not present.

Inspector Recanzone stated the owner has no Business Tax Receipt or Rental License and is requesting a finding of Non-Compliance and next cutoff for Compliance.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 10 - RTL 03-21-72 - Carl R Goutell** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **544 George St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/28/2021.

Mr. Carl Goutell came forward and was sworn in.

Inspector Recanzone stated the property failed inspection and a re-inspection is scheduled for March 29<sup>th</sup>. He stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Goutell stated no problem.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 11 - RTL 03-21-78 - Two Two One LLC** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **221 Live Oak Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 10/21/2019.

Code Inspector LaWanda Tomengo stated the property failed inspection on January 6<sup>th</sup>. She stated she had no contact with the respondent until the hearing, She stated the property was repaired and finalized by the building department in October 2020. She stated there is an inspection scheduled for March 31. She stated she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Goutell stated he had been in contact with Karen Baum and had tried to reach Jerome McCoy who is no longer with the City.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 13 - RTL 03-21-79 - Hamflor Holdings LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **318 Hobart Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 9/30/2019.

Mr. Rob Camprese, partner, came forward and was sworn in.

Inspector Tomengo stated the Respondent has submitted the application for Rental License and the inspection on February 10<sup>th</sup> failed. She stated the property was re-inspected on December 4, 2020 and the Respondent still had some corrections remaining. She stated the Property

Manager called and the open permit was finalized by the building department. She stated inspection has been rescheduled for April.

Mr. Camprese had no comments.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 14 - RTL 03-21-68 - Johnny Paxton Jr** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **837 Maley St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/8/2020.

Respondent was not present.

Inspector Tomengo stated the original inspection was cancelled and there had been no re-inspection. She stated she was contacted on April 2 after the Respondent received the Notice of Hearing to schedule a re-inspection. She stated she is asking for 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 April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 15 - RTL 03-21-70 - Juan Manuel Tlaxcuapan & Diana Esther Rodriguez** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **313 Fulton St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 10/31/2020.

Juan Manuel Tlaxcuapan came forward and was sworn in.

Inspector Tomengo stated the Respondent is a new owner and the case re-cited. She stated the property is rented and the Respondent does not have a Rental License. She stated she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Tlaxcuapan stated that he was unaware of the procedures and is in the process of taking care of the violations.

Inspector Tomengo stated there had been no inspections and no applications for license.

Mr. Riggio asked the Respondent if he can be in Compliance by April 21<sup>st</sup>.

Mr. Tlaxcuapan stated he had no problem with April. He stated the name on the Notice was incorrect.

Ms. Barnes stated she would fix the case file.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 16 - RTL 03-21-80 - Kelechi Linardon** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1600 Big Tree Rd #B3**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/10/2020.

Respondent was not present.

Inspector Tomengo stated she found the property online and left a courtesy card. She stated she spoke to the owner and he submitted the application but the fees have not been paid to schedule the inspection. She stated she is asking for 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 April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 17 - RTL 03-21-81 - RDW Property Management, Inc.** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **344 Ellsworth St**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/29/2020.

Mr. Robert Williams came forward and was sworn in. He stated he once owned the property as RDW, dissolved the corporation in 2016 and changed the name to himself personally. He stated the Notice is incorrect.

Inspector Tomengo stated the property is unlicensed and has no Rental License. She stated there has not been an application and no inspection. She stated she posted the property and spoke with the occupant who said they were renting. She stated she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Williams stated he was moving in 2019 and brought his tax return and other bills to show he receives mail at the address.

Mr. Jackson stated the mailing is determined by the Volusia Property Appraisers site, the property was transferred by quit claim deed with a different address of 338 Ellsworth and the sale was created the day after the scheduled re-inspection date.

**DISPOSITION:** Mr. Riggio dismissed the case.

**CASE # 18 - RTL 03-21-69 - Thara L Hudson** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **215 Haynes St**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/21/2019.

Respondent was not present.

Inspector Tomengo stated the property is tenant occupied and that she received a call from Timothy Hudson stating the application has been submitted and fees paid. She stated she is waiting to schedule the inspection. She stated she is asking for 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 April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 19 - RTL 03-21-71 - Viraphanh Ratanavong & Anthony Ratanavong** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **634 Eldorado St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 5/15/2020.

Mr. Anthony Ratanavong appeared via Zoom and was sworn in. He stated he was waiting for confirmation of a date from the window company.

Inspector Tomengo stated once the work is completed, she will schedule an inspection.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 20 - RTL 03-21-64 - Central Florida Community Development Corp Inc** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **601 Van Ness St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/20/2020.

Respondent was not present.

Inspector Kevin Yates stated the property is not in Compliance and he has had no contact with the owner. He stated he 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 April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 21 - RTL 03-21-57 - Lisa J Schettino, Trustee of the Lisa J Schettino Living Trust** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **601 Riverview Blvd.** Violation(s) – Failure to obtain Rental License (RTL). Notified – 1/24/2020.

Respondent was not present.

Inspector Yates stated there are numerous violations on the property. He stated at his inspection on January 15, 2021 everything was in Compliance except for a window that won't stay open. He stated he is asking for 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 April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 22 - RTL 03-21-53 - Shah S & Farhana Rahman** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **600 Gibson St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/26/2019.

Mr. Shah Rahman came forward and was sworn in.

Inspector Yates stated the City completed an inspection of January 3, 2020 and there were quite a few items including smoke detectors, GFCI and a torn screen. He stated re-inspection is scheduled for March 29<sup>th</sup>. He stated he 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 April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 23 - 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.

Respondent was not present.

Mr. Riggio asked if this is the case where there are 2 houses on two lots and is undergoing a zoning change. He stated the property also had tenant issues.

Field Supervisor, Mark Jones, stated that is correct. He state he has had contact and the duplex had been vacated and both kitchens removed. He stated the tenant is being evicted and is asking to amend to the next cutoff.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 24 - 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 – 5/9/2020.

Mr. Joseph Risse came forward and was sworn in.

Inspector Yates stated he had contact and the Respondent has removed the unpermitted bathroom and fixed some issues. He stated he is asking to amend to the next cutoff for Compliance.

Mr. Risse submitted a paid application for permit.

Inspector Yates stated the property will need to be inspected.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 25 - RTL 01-21-08 - Morgan & Parker LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **26 S Oleander Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/7/2019.

Ms. Jane Rocco, Manager and owner, came forward and was sworn in.

Inspector Tomengo stated there has been no progress on the re-inspection because of a delay of window delivery. She stated she is in contact with the Respondent and had provided information that the window was backordered until April 1. She stated she is asking to amend the order to the next cutoff.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 26 - 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 – 10/6/2018.

Ms. Karen Wonsetler, attorney for the Homeowner's Association, came forward. She stated the responsibility for the windows lies with the Association and they have signed a contract and work will begin on April 22. She stated the vendor told her it would be about 40 days to complete the job. She stated this unit and the next 2 cases have new owners with recorded deeds. She stated all of the work should be done by the end of May.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day. It was further ordered that the new owner be added to the case file.

**CASE # 27 - 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 – 9/25/2018.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day. It was further ordered that the new owner be added to the case file.

**CASE # 28 - 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. Wonsetler stated the vendor for the windows is Atlantic Windows and Doors.

Inspector Tomengo stated this property has not been inspected since December 16<sup>th</sup>. She stated she spoke to Kevin Patel who is the Property Manager.

Mr. Jackson stated there are also separate orders for other issues. He stated #302 is vacant but #102 and #104 have tenants and would like the Respondent to request priority on these properties for the window installation.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day. It was further ordered that the new owner be added to the case file.

**CASE # 29 - RTL 02-21-39 - JKM Properties LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **116 N Keech St**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/24/2019.

Respondent was not present.

Inspector Tomengo stated she completed re-inspection of March 19<sup>th</sup> and there are still smoke detectors and window issues. She stated she is requesting to amend to the next cutoff for Compliance.

Mr. Riggio stated smoke alarms are traditionally an easy fix.

Inspector Tomengo stated there is not a smoke alarm in the bedroom and the window frame falls out of track. She stated the tenant said they didn't use the room for sleeping.  
Neighborhood Services Manager Denzil Sykes

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day. It was further ordered that the life-safety issue of a missing smoke detector in the bedroom be replaced within 5 days or a fine in the amount of \$100 per day will automatically be imposed, effective March 28, 2021, to a maximum amount of \$15,000.

**CASE # 30 - RTL 02-21-44 - Palms Land Investments LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **330 Hobart Ave**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/21/2019.

Ms. Sheila LaBosco, Managing Member, came forward and was sworn in.

Inspector Tomengo stated she completed inspection of the property on February 25 and there is an extensive list of repairs to be made. She stated she spoke to Ms. LaBosco yesterday and is asking to amend to the next cutoff for Compliance.

Ms. LaBosco stated that her mailing address should be PO Box 848, Blairsville, GA 30514.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 31 - RTL 02-21-49 - Michael Turturro** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **346 Hobart Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/21/2019.

Respondent was not present.

Inspector Tomengo stated there is no rental inspection scheduled and she is requesting a fine in the amount of \$100 per day to a maximum of \$15,000 be imposed.

**DISPOSITION:** Mr. Riggio ordered that a fine in the amount of \$100 dollars per day be imposed, effective March 23, 2021, to a maximum of \$15,000 or until Compliance is achieved.

**CASE # 33 - RTL 02-21-46 - Robert L S Taggart Jr** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **721 Marion St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/4/2020.

Respondent was not present.

Inspector Tomengo stated she received communication from the owner concerning access on March 18 for the rental inspection. She stated the owner was told a member of the family has COVID. She stated she is asking to amend to the next cutoff for Compliance.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 34 - RTL 02-21-48 - Deco Investments LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **813 Maley Street.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/1/2020.

Respondent was not present.

Inspector Tomengo stated she has had contact with the owner who says they are in Compliance and re-inspection is scheduled for March 25<sup>th</sup>.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 35 - RTL 02-21-43 - Bulldog Empire IV LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **940 W International Speedway Blvd (942 W Intl Speedway Blvd)**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/18/2019.

Respondent was not present.

Inspector Tomengo stated she completed the inspection on February 26 and the property failed. She stated Unit 1, 2 and 4 failed but 3 passed. She stated unit 1 has a bedroom window that was replaced without a permit and Unit 2 has a window on order. She stated there have been no permit applications filed. She stated she is asking for a fine in the amount of \$150 per day to a maximum of \$15,000.

**DISPOSITION:** Mr. Riggio ordered that a fine in the amount of \$150 dollars per day be imposed, effective March 23, 2021, to a maximum of \$15,000 or until Compliance is achieved.

**CASE # 36 - RTL 02-21-42 - TRSTE LLC TR & 228 N Adams St Land Trust** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **228 N Adams St**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/4/2019.

Respondent was not present.

Inspector Tomengo stated she has had no contact with the respondent and no Rental License has been applied for. She stated she is requesting 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 dollars per day be imposed, effective March 23, 2021, to a maximum of \$15,000 or until Compliance is achieved.

**CASE # 37 - RTL 02-21-41 - TRSTE LLC TR** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **869-867 Winchester St**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/13/2020.

Respondent was not present.

Inspector Recanzone stated he has had no contact with the Respondent and no progress. He stated he is requesting 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 dollars per day be imposed, effective March 23, 2021, to a maximum of \$15,000 or until Compliance is achieved.

**CASE # 38 - RTL 02-21-50 - JNG Property Group** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1204 Continental Dr**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/13/2020.

Respondent was not present.

Inspector Recanzone stated the rental license has been approved and he is asking to continue the case.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 39 - RTL 02-21-51 - LA Philip Inc** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1209 Essex Rd.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 2/22/2020.

Respondent was not present.

Inspector Recanzone stated the property was sold on February 7, 2012 and asked to amend and add the new owner to the case.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day. It is further ordered that SJTK Enterprise LLC be added to the case.

**CASE # 40 - RTL 02-21-37 - Joseph P & Kim R. Daily** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **843 Essex Rd.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/14/2020.

Respondent was not present.

Inspector Recanzone stated the owner has applied for the license but the inspection failed. He stated they should be in Compliance now and is asking to amend to the next cutoff for Compliance.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 41 - RTL 02-21-38 - Shawn Wayne Spencer** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **910 Madison Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/13/2020.

Respondent was not present.

Inspector Recanzone stated he has had no contact with the Respondent and is asking to continue the case.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 21, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

Mr. Riggio adjourned the meeting at 11:20 a.m. for a short break.

The meeting resumed at 11:35 a.m.

## **IRREPARABLE/IRREVERSIBLE VIOLATIONS**

**CASE # 42 - RTL 03-21-54 - Brian K & Beverly A Ball** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **374 Morningside 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 – 2/3/2021.

Brian and Beverly Ball appeared via zoom and were sworn in.

Inspector Recanzone stated the violation is irreparable and irreversible and he found the listing online. He stated he went to the property and a rental tenant answered the door. He stated the listings ceased after the 4<sup>th</sup>.

Mr. Jackson stated the violation was prohibited by code and the extent of these listings outside of the City. He explained the effects caused in residential areas and on tourist business in the City. He stated the risks involved in unregulated accommodations. He stated the violation includes the online listing.

Mr. Riggio asked the inspector if the Respondent was notified on February 4<sup>th</sup> and ceased on February 4<sup>th</sup> and Inspector Recanzone stated yes.

Ms. Ball stated they bought the property for a retirement home. She stated there were quite a few rentals in the area. She stated they currently have applied for a long-term rental license. She stated they had signed with Ocean Realty for listing.

**DISPOSITION:** Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$1,000 for zoning violations of short-term rentals and that the violation is irreparable and irreversible in nature and that the property is now in Compliance as of February 4, 2021.

**CASE # 43 - RTL 03-21-60 - Jan Voda** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1901 N Halifax 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 – 2/18/2021.

Mr. Mark Germaine, attorney for the Respondent, came forward.

Mary Brooks, neighbor and witness came forward and was sworn in.

Mr. Recanzone stated the listing had ceased this morning and that this is a repeat violation. He stated he first saw the listing on February 18. He stated he posted the property and had no contact until yesterday. He stated he is seeking a one-time fine of \$15,000 for irreparable and irreversible violations.

Mr. Jackson stated they received a fine in January but the Respondent did not appear. Mr. Jackson stated that the fine was appropriate based on the egregiousness of the violation

Ms. Brooks submitted an exhibit showing different cars and people at the property.

Mr. Germaine asked for a continuance. He stated Mr. Voda is a critical care physician and he would like to also re-open the previous case. He stated he wanted the property owner to testify. He stated the owner has COVID.

Ms. Brooks stated she would prefer not to continue the case.

Mr. Germaine stated Airbnb has been cancelled. He stated the Respondent plans to sell the property and that a 3<sup>rd</sup> party cleans the property.

Mr. Jackson asked the Witness if he knows who that is.

Ms. Brooks stated it is a white car. She stated she received a nasty letter from the Respondent.

Mr. Jackson asked if the Respondent is not contesting the fine, just the amount.

Mr. Germaine stated yes.

Mr. Jackson asked if the attorney was willing to stipulate there would be no violations before next month.

Ms. Brooks stated in 2019 there were 42 reviews on the listing. She read a letter she received. She stated she lives here and should not be allowed to have strange people with large dogs. She stated she has a pool and the neighbor does not and they had gone to court once before. She stated the lien is not a deterrent. She stated they did delist the property and magically appeared an illegal conversion of the garage.

Mr. Riggio stated if the attorney stipulates, continued use will be fined at a later date. He stated the white car for cleaning should not be there.

Mr. Jackson asked the Respondent if she could leave the pictures and she agreed.

DISPOSITION: Mr. Riggio found the Respondent in Non-Compliance and that the violations are irreparable and irreversible. He found the property in Compliance as of March 23, 2021 and as stipulated will remain vacant. He stated the amount of the fine will be determined at the April 27 meeting and for repeat violations may be fined up to \$15,000 per occurrence.

CASE # 44 - RTL 03-21-62 - Joshua Dugan is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **412 N Peninsula Dr.** 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. First Notified – 2/18/2021.

Mr. Joshua Dugan appeared via Zoom and was sworn in.

Mr. Recanzone stated he is asking for a fine in the amount of \$15,000 for violations that occurred on February 25. He stated he found the listing on a different site in March.

Mr. Jackson stated his argument as to the effect of short-term rentals in residential neighborhoods.

Mr. Dugan stated he had no intention to violate the law. He stated he searched online and "Other Accommodations" were allowed in this zoning district. He stated he applied for a Rental License and that Inspector Yates inspected the property and had issues with a smoke detector and broken window. He stated he took money out of his 401K to fix the issues.

Mr. Riggio stated the postings were up longer than normal.

**DISPOSITION:** Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$5,000 for zoning violations of short-term rentals that are irreparable and irreversible in nature and that the property is now in Compliance as of March 23, 2021.

**CASE # 45 - RTL 03-21-63 - Milliways LLC** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **509 Bostwick 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 – 2/9/2021.

John and Debbie Milner came forward and were sworn in.

Mr. Recanzone stated the property is in violation of zoning regulations for other accommodations otherwise known as short term rentals on February 9, 2021. He stated he is requesting a fine in the amount of \$15,000 and that the violation be found irreparable and irreversible in nature.

Mr. Jackson asked the Respondents if they heard the City reasons previously given regarding the harm to the residential areas from short term rentals.

The Respondents stated yes.

Mr. Milner stated the property has been vacant since August. He stated he placed the property on Zillow for sale on December 30<sup>th</sup> but forgot to sign out. He stated he received an offer on New Year's day and they will close on the sale on April 6<sup>th</sup>.

**DISPOSITION:** Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$1,000 for zoning violations of short-term rentals that are irreparable and irreversible in nature and that the property is in Compliance as of February 10, 2021.

**CASE # 46 - RTL 03-21-61 - Rajani R Rao & Ravishankar Govindarao** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1510 Ocean Dunes Ter.**

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 – 2/18/2021.

Ms. Rajani Rao & Mr. Ravishankar Govindarao appeared via Zoom and were sworn in.

Mr. Recanzone stated the Respondents are in violation of the Zoning laws for short-term rentals as of March 17<sup>th</sup>. He stated the listing ceased after February 18 and found it again on March 17<sup>th</sup> after which it was taken down. He stated he found evidence at a rental inspection that the Respondents were continuing to rent the property after applying for a long term license.

Mr. Jackson stated the harm these violations caused to the City and residents.

Ms. Barnes left the chamber at 1:48 p.m. and was relieved by Ms. Aimee Hampton.

Ms. Barnes returned to the chamber at 1:50 p.m.

**DISPOSITION:** Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$1,000 for zoning violations of short-term rentals that are irreparable and irreversible in nature and that the property is now in Compliance as of February 18, 2021.

**CASE # 47 - RTL 03-21-56 - Robert G Hubbard TR & Maria Hubbard TR** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **318 Silver Beach 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. First Notified – 2/1/2021.

Mr. Robert Hubbard and Ms. Maria Hubbard came forward and were sworn in.

Inspector Recanzone stated he is requesting a fine in the amount of \$15,000 for zoning violations

Mr. Jackson asked the Respondents if they heard the City's reasons previously given regarding the harm to the residential areas from short term rentals.

The Respondents stated yes.

Mr. Hubbard stated they took the listing down right away.

**DISPOSITION:** Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$1,000 for zoning violations of short-term rentals that are irreparable and irreversible in nature and that the property is now in Compliance as of February 1, 2021.

**LR-2 - RTL 11-20-117 - 2604 Tulane Ave** - 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. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/23/2020. Order Imposing Fine/Lien, effective January 26, 2021, of \$100 per day to a maximum of \$15,000. Compliance – March 3, 2021. Amount due \$3,600 plus \$24 administrative fees = **\$3,624.00**.

Stacy Ridge Coolidge, Property Manager and Suzanne Slaughter came forward and were sworn in.

Ms. Slaughter stated Ms. Coolidge had been her property manager for 10 years and she recently had health issues and it took a while to bring the property into compliance.

Inspector Yates stated the City is requesting no reduction and there had been life safety issues, such as smoke detectors, on the property since 2019. He stated he went for a period where he had no contact and no one called for re-inspection on the property. He stated on March 4, 2021 he inspected the property and put it in compliance.

Ms. Slaughter stated she included a timeline in her lien review request. She stated she drives from Ocala to make sure everything was done. She stated the smoke detector was in the hall and the one in the bedroom was in working condition. She stated there was a window that when pulled up would not come down. She stated she called the inspector on January 29 and met him on March 4 when he put the property in compliance.

Mr. Jackson asked if the property was occupied.

Ms. Slaughter stated it had never been empty.

There was discussion whether the smoke detector was in the bedroom or the hall.

**DISPOSITION:** The Special Magistrate reduced the amount of the lien to \$1,824.00 payable within 30 days or fine reverts back to the original amount.

**LR-3 - RTL 08-20-85 - 409 Zelda Blvd - James X & Joanne Santoriello** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294 Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/27/2019. Order Imposing Fine/Lien, effective September 22, 2020, of \$100 per day to a maximum of \$15,000. Compliance October 29, 2020. Amount due \$3,700 plus \$24 administrative fees = **\$3,724.00**.

Mr. James and Joanne Santoriello appeared via Zoom and were sworn in.

Mr. Santoriello stated they purchased the home for their retirement and then had health issues which kept him in New Jersey.

Ms. Santoriello stated she moved down here full time and returned when Mr. Santoriello had a heart attack. She stated they rented the property for a year and the tenant was arrested for domestic violence. She stated he did considerable damage and would not allow an inspector in.

Mr. Jones stated the property does not have a Rental License. He stated the Respondents submitted the application and it was approved and there were numerous inspections that were either cancelled or no one showed. He stated the property was finally inspected on October 12 and there was a GFCI problem as well as smoke detectors and windows that didn't work. He stated the property was occupied. He stated he re-inspected the property on October 26 and it failed. He stated the property passed inspection on October 29<sup>th</sup>.

**DISPOSITION:** The Special Magistrate reduced the amount of the lien to \$2,724.00 payable within 30 days or the fine reverts back to the original amount.

**LR-4 - RTL 06-20-45 - 1319 Phillips - Jade M Pomerleau** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/27/2019. Order Imposing Fine/Lien, effective July 18, 2020, of \$100 per day to a maximum of \$15,000. Compliance – March 11 2021. Amount due \$15,000 plus \$24 administrative fees = **\$15,024.00**.

Mr. Mark and Mary Casel, realtors, came forward and were sworn in.

Ms. Barnes confirmed receipt of an email from Ms. Pomerleau permitting them to speak at this hearing on her behalf.

Mr. Casel read the letter attached to the lien review from Ms. Pomerleau. He stated they made all of the repairs and they did not get the notices. He stated he doesn't think \$15,000 is justified.

Field Inspector Jones stated he opened this case for no Rental License and the property was occupied.

There was discussion as to how much the request is to lower the fine.

**DISPOSITION:** The Special Magistrate reduced the amount of the lien to \$10,000 payable within 30 days or fine reverts back to the original amount.

**LR-1 - RTL 01-21-33 – 155 Michigan Ave. - Christina T Chau** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2. 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 – 12/10/2020. Order of Non-Compliance and Finding of Irreparable and Irreversible Violation and Imposition of Fine of \$12,000.00, effective February 23, 2021. Amount due: **\$12,000.00**.

Respondent was not present.

**DISPOSITION:** The Special Magistrate denied the request for reduction of lien without prejudice.

The meeting was adjourned at 3:20 p.m.