
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

May 25, 2021 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney

Scott Lee, Police Captain

Cortland Lampe, Police Liaison

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 9:00 a.m.

Ms. Barnes announced the following cases in compliance.

CASE # 14 - RTL 05-21-105 - Iris Liu TR is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **751 Heineman St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/21/2020.

Compliance 5-21-2021

CASE # 27 - RTL 03-21-69 - Thara L Hudson is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **215 Haynes St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/21/2019.

Compliance 5-19-2021

CASE # 29 - 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.

Compliance 5-20-2021

Mr. Riggio approved the April 27, 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 05-21-112 - Carol A Smith is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **828 Maley St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/30/2020.

Respondent was not present.

Inspector LaWanda Tomengo stated the property has not submitted an application for rental license and 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 June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 2 - RTL 05-21-116 - Jaman & Priscilla Brundage is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **925 Benecia Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/13/2020.

Jaman & Priscilla Brundage came forward and were sworn in.

Inspector Tomengo stated she had contact with the Respondent on May 17th and the property is tenant occupied. She stated the Respondent has applied for the license and paid the fees and is making the repairs and waiting for inspection.

Mr. Riggio asked if any of the repairs are electrical.

Mr. Brundage stated he put up the smoke alarms and has been painting the house.

Inspector Tomengo 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 June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 3 - RTL 05-21-111 - Lawrence Starks Jr & Margaret Allen is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **553-551 South St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/11/2020.

Respondent was not present.

Inspector Tomengo stated the property is unlicensed. She stated she had contact on May 17th to schedule the inspection 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 June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 4 - RTL 05-21-113 - Linnea G Barry & David T Barry is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1316 Suwanee Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/30/2020.

Respondent was not present.

Inspector Tomengo stated this is an unlicensed rental property. She stated she had contact with the Property Manager on May 18 who reported they are selling the property. She stated there is no record of sale reported with the Clerk of Court 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 June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 5 - RTL 05-21-118 - Marie Carolle Catul is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **815 Vernon St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/22/2021.

Respondent was not present.

Inspector Tomengo stated she posted the property and had contact with the Property Manager. She stated the owner lives out of state. She stated an inspection was scheduled for April 16th but cancelled because the fees were not paid. 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 June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 6 - RTL 05-21-114 - Michael J & Catherina A Garrity and George R & Tina M Wilcox is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **2212 S Peninsula Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/21/2021.

Respondent was not present.

Inspector Tomengo stated the property is unlicensed and a previous inspection failed twice. She stated she has had contact with Mr. Garrity on May 19th 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 June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 7 – RTL 05-21-110 - Paratus Properties LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **223 Short St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/4/2020.

Respondent was not present.

Inspector Tomengo stated the property is unlicensed and had items that failed on inspection. She stated she had no contact until May 14th and on re-inspection May 20, still had items not in Compliance. 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 June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 8 - RTL 05-21-117 - Point Capital LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **128 Boynton Blvd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/19/2021.

Mr. Willis Howard, Manager and Ms. Lina Howard came forward and were sworn in.

Inspector Tomengo stated the property was inspected on January 30th but it is 3 units and she had no access to unit 3. She stated she spoke to the Property Manager on March 6 and there were still items to be completed. She stated she posted the property and was contacted and advised that the owners have hired contractors and provided her with that documentation. She stated she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Howard stated the work is mostly completed except for the windows in unit 1. He stated he contracted with New South windows and they approximate 14-18 weeks for completion. He presented his signed contract.

Ms. Howard stated they had already made payment.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and continued the case until July 21, 2021 for a progress report.

CASE # 9 - RTL 05-21-100 - Jose Percy is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **315 Taylor Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/13/2020.

Jose Percy came forward and was sworn in.

Inspector Steven Cole stated he inspected the property on April 20th and there are some things left to be done. He stated he has had contact with Mr. Percy 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 June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 10 - RTL 05-21-98 - TRSTE LLC as Trustee of the 1162 Bryn Mawr Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1162 Bryn Mawr Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/7/2020.

Respondent was not present.

Inspector Cole stated the last inspection was May 28th and there has been no rental license applied for. 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 June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 11 - RTL 05-21-99 - Willetta Harmon is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **836 Berkshire Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/27/2020.

Respondent was not present.

Inspector Cole stated he inspected the property in April and it was not in 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 June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 12 - RTL 05-21-102 - Cossi Investment LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **612 George W Engram Blvd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/8/2020.

Ms. Sara Getz, attorney came forward. Mr. Randy Core and Mr. Justin Core, owners, came forward and were sworn in.

Inspector Cole stated the property has no rental license and he is asking for a finding of Non-Compliance.

Mr. Randy Core stated he submitted the application on the 26th and has paid the fees.

Mr. Justin Core stated they are working on selling the property.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 13 - RTL 05-21-103 - Darryl Dwayne Waltrip is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **273 Seaview Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/17/2021.

Respondent was not present.

Inspector Cole stated he has had contact with the owner's son and the owner has passed away. He stated he is asking for a finding on 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 June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 15 - RTL 05-21-106 - Iris Liu TR is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **537 Heineman St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/21/2020.

Ms. Juying Krug, mother of the owner, came forward and was sworn in. She stated the property was previously a rental.

Inspector Cole stated there are minor violations on the owner's properties and is asking for a finding of Non-Compliance and next cutoff to come into Compliance for the next 3 cases.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 16 - RTL 05-21-108 - Iris Liu TR & Congress Trust #127 is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **127 Congress Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/15/2020.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 17 - RTL 05-21-104 - Iris Liu TR & Fairmount Trust #579 is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **579 Fairmount Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/27/2020.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 18 - RTL 05-21-107 - Iris Liu TR & Heineman TR #509 is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **509 Heineman St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/21/2020.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 19 - RTL 05-21-115 - GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **312 N Peninsula Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/16/2021.

Respondent was not present.

Inspector Steven Cole stated the property is vacant and there are two women who claim the owner accepted deposits on the property. He stated he posted the property 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 June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CONTINUED CASES:

CASE # 20 - RTL 04-21-93 - GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **216 Morningside Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/21/2021.

Respondent was not present.

Inspector Kevin Yates stated no inspection has been scheduled and the property is occupied. He stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Jackson stated their attorney had withdrawn from other proceedings concerning the City.

Mr. Riggio asked if the Respondent had been property noticed.

The Board Secretary stated the property had been posted and green cards received.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 21 - 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.

Mr. Gerald Chester, President, came forward and was sworn in.

Inspector Yates stated he has had contact with the Respondent who requested a 60 day extension and a 30 day extension. He stated he denied the request and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000. He described some of the violations on the property.

Mr. Chester stated it has been a struggle trying to find a handyman.

There was discussion regarding and extension cord to the washing machine and close to the drain.

Mr. Chester stated he has a Property Manager that deals with these issues and presented a contract for work to be done to the Inspector.

Inspector Yates stated the contract is only signed by one party and not notarized.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 22 - 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.

John and Margaret Dunbar came forward and were sworn in.

Inspector Cole stated the property was zoned for single family homes and the Respondent was not allowed to have multiple rental properties here. He stated the Respondent told him he was thinking of selling.

Mr. Riggio asked who was living there.

Mr. Dunbar stated his son was living there.

Inspector Cole stated Mr. Dunbar lives in the main house and his son lives in the other unit on the property.

Mr. Dunbar stated he lives there and his son and one of his friends lives there.

Inspector Cole stated he is requesting to amend to the June 16th cutoff.

Captain Scott Lee stated that the Respondent needs a use determination and that has not been applied for.

Ms. Dunbar stated they spoke to Ms. Askew but have not filed anything in writing.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 23 - 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.

Mr. Gerald Stemmler came forward and was sworn in.

Inspector Cole stated the Respondent has completed all repairs except the windows and the roof and have provided contracts for both. He stated he is requesting to amend to the July 21 cutoff.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to 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 # 24 - RTL 11-20-142 - Frandon USA LLC & Rivera Family Properties 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 condo association, came forward and was sworn in. She stated the windows are in. She stated these 3 cases for units 102, 104 and the 3rd floor unit were also a change of ownership. She stated the final permit was not closed yet.

Inspect Tomengo confirmed and stated they are waiting for the permit to be finalized. She stated she spoke to the contractor and he expects to be another 2 ½ weeks. She stated she is asking to amend to the next cutoff. She stated all other repairs were done.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 25 - RTL 11-20-141 - Agostina LLC & Ibera Re Investments 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 June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 26 - RTL 11-20-136 - Rivera Family Properties LLC & Sterling Capital Enterprises 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.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 28 - RTL 03-21-70 - Juan Manuel Tlaxcuapan & Diana Esther Rodriguez is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **313 Fulton St**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/31/2020.

Respondent was not present.

Inspector Tomengo stated she spoke to the owner and the repairs have been made. She stated re-inspection is scheduled for the 27th 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 June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 30 - 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.

Mr. Robert Taggart Jr came forward and was sworn in.

Inspector Tomengo stated she had contact with the owner and a window was installed without a permit. She stated they have had no luck getting someone hired but just got a window contractor. She stated she is asking for a fine in the amount of \$100 to a maximum of \$15,000.

Mr. Taggart stated he inherited the property in a lawsuit and will only take a day or two once the contractor gets the permit.

Inspector Tomengo stated there was also an extension done to the driveway.

Captain Lee stated application by the contractor was made on May 20 and approved this morning.

Mr. Riggio asked if the property was occupied.

Inspector Tomengo stated yes.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 31 - RTL 02-21-51 - LA Philip Inc & SJTK Enterprise LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1209 Essex Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/22/2020.

Respondent was not present.

Inspector Cliff Recanzone stated he has had contact with the property owner who failed inspection in June. He stated he 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 June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 32 - RTL 03-21-73 - Legacy's for Life Inc is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **165 North St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/21/2020.

Respondent was not present.

Captain Lee stated the City is requesting that this case be dismissed.

DISPOSITION: At the request of the City, Mr. Riggio dismissed this case without prejudice.

CASE # 33 - RTL 03-21-76 - Liza Renee Stonecipher is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **216 Mullally St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/29/2020.

Respondent was not present.

Captain Lee stated the City is requesting that this case be dismissed.

DISPOSITION: At the request of the City, Mr. Riggio dismissed this case without prejudice.

CASE # 34 - RTL 04-21-97 - Richard Henrichon is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **217 Arlington Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/29/2020.

Respondent was not present.

Captain Lee stated the City is requesting that this case be dismissed.

DISPOSITION: At the request of the City, Mr. Riggio dismissed this case without prejudice.

LR-1

LR-1 - RTL 06-20-44 – 532 Tomoka Road - Herbert & Lorin L Kawesch is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294. Violation(s) – **Failure to obtain Rental License (RTL)**. First Notified – 4/7/2020. Order Imposing Fine Lien effective August 25, 2020. Compliance = September 18, 2020.

Mr. Herbert Kawesch came forward and was sworn in. He stated he had no idea a fine had been imposed and completed the repairs by the 28th.

Field Inspector, Mark Jones, stated the property passed Rental re-inspection and was put into compliance on September 18, 2020. He stated the case came before the Magistrate on July 1st and was amended until August. He stated a fine was imposed in August.

There was discussion regarding how Mr. Kawesch knew to schedule the inspection if he did not know about the violations.

DISPOSITION: Mr. Riggio denied reduction of the lien.

CASE # 35 - RTL 05-21-101 - Fahima Mouhoub & Neila Djihane Bennamane is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **38 S Grandview Ave.** Violation(s) – Zoning violation - the property is zoned RDB-6. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 4/15/2021.

Ms. Neila Djihane Bennamane came forward and was sworn in.

Inspector Recanzone stated the case is here for an irreparable and irreversible zoning violation. He stated the property is located in RDB-6 and started as a result of a complaint. He stated he opened the case on March 22nd and violations occurred on April 15 and May 15th. He stated there has been no advertising since May 18th. He stated he is asking for a fine in the amount of \$15,000.

Ms. Bennamane stated she removed the listing and her real estate agent and neighbors told her it was ok since she was so close to Main Street. She stated she spoke to her neighbors and told them to call her if there were any issues.

Mr. Jackson stated that the nature of the violation is that benefit is gained by advertising and conduct that is prohibited by Code and the violation is irreparable and irreversible. He stated the advertising draws from all over the world and once advertised cannot be unadvertised and can still generate business after being taken down. He stated 1.6 billion people post properties to Facebook which can reach over 10 billion people. He stated the properties are not regulated and renter face risks. He stated a whole year can be booked from a single day of advertising. He stated owners avoid taxation and often do not have proper insurance. He stated it brings a nature of transient people to residential areas and increases noise and safety and affects the peaceful enjoyment of residents. He stated businesses have demanded regulation from the City's Commission who are regulated and pay state and local taxes. He stated State Law includes adverting for transient guests as a violation which is irreparable and irreversible and is asking for a fine in the amount of \$15,000.

Ms. Bennamane stated the property is insured and she believes Airbnb collects taxes for the County.

Mr. Jackson stated once she began renting the property, she became a business owner and reminded the Magistrate the case started from a neighbor complaint.

DISPOSITION: Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$15,000 for violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and found that the violation is irreparable and irreversible in nature and that the property is now in Compliance as of May 19, 2021.

CASE # 36 - 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 accommodations" are not a permitted use in the zoning district. First Notified – 2/18/2021.

Mr. Mark Germaine, attorney, came forward.

Mr. Riggio stated at the last hearing there was a finding of Non-Compliance and a stipulation as to the amount held in abeyance.

Mr. Germaine stated the home is now for sale and he is here to present mitigating circumstances and he will stipulate to the violation being irreparable and irreversible. He stated Dr. Voda is a physician who was transferred to New York to work in a COVID unit. He stated Dr. Voda returned

home to Tampa in a downward spiral with COVID. He stated the owner had been “baker acted” a couple of times. He stated he took the case for gas money as Dr. Voda has helped out his family. He stated as soon as Dr. Voda received notice he called Mr. Recanzone and was told to take it down. He stated he advised Dr. Voda to take the listing down and it was immediately taken down. He stated Dr. Voda’s parents came and took him back to the Czech Republic where he is in a home convalescing for a couple more months. He stated funds is an issue, he has no plans to rent the property, and is requesting the fine be \$5,000. He stated the fine will be paid when the home is sold. He stated COVID produced extra problems for the owner and caused him to self-medicate

There was discussion as to what the fair amount of the fine should be.

Captain Lee expressed concern that this was the only case that has come back for a Repeat Violation and asked that the fine be \$7,500 for each case.

DISPOSITION: Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$6,000 for violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation is irreparable and irreversible in nature and that the property is now in Compliance on or about March 23rd, 2021 and for any future violations may be returned to the Magistrate for a fine up to \$15,000 per occurrence. Mr. Riggio ordered that the fine must be paid within 90 days.

Mr. Riggio stated that there were mitigating factors warranting a reduction in the fine imposed in this case and the following case. These factors included Dr. Voda’s care of COVID patients in NYC during the height of the pandemic and his subsequent infection with COVID, leading to his physical and mental problems and the willingness of his representatives to immediately address the City’s issues once they were made aware of them and take responsibility for resolving them once they were made aware of them.

MB – 1 - RTL 11-20-127 - 1901 N Halifax Av - Jan Voda is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at. 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. **Order of Non-Compliance and Finding of Irreparable and Irreversible Violation and Imposition of Fine ordered on November 24, 2020 in the amount of \$15,000. Amount due \$15,000 plus \$24 recording costs = \$15,024.00.**

DISPOSITION: Mr. Riggio reduced the amount of the lien to \$6,000 and ordered that the fine must be paid within 90 days or the fine reverts back to the original amount.

There was no Miscellaneous Business and meeting was adjourned at 11:59 a.m.