
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

July 27, 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. Clifford Recanzone, Rental Inspector

Ms. LaWanda Tomengo, Rental Inspector

Mr. Mark A. Jones, Code Enforcement Field Supervisor

Mr. Steven Cole, Rental Inspector

Ms. June Barnes, Board Secretary

Mr. Denzil Sykes, Neighborhood Services Manager

Mr. Joe Graves, Audio/Visual

Mr. Xavier Campbell, Audio/Visual

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 9:04 a.m.

Ms. Barnes announced the following cases in compliance.

CASE # 1 - RTL 07-21-158 - Atlantic RE Group Inc is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **744 Georgia St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/22/2020.

Compliance 7-22-2021

CASE # 32 - RTL 07-21-179 - Rex A Sevy is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **901 Oak St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/29/2020.

Compliance 7-23-2021

Mr. Riggio called the first new case.

CASE # 2 - RTL 07-21-142 - Kathryn Warren Strickland is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **411 N Halifax Ave 304.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/25/2020.

Ms. Kathryn Strickland appeared via Zoom and Ms. Zumo Zeland came forward and was sworn in.

There were Zoom problems and Ms. Strickland was not able to hear and available to testify. The issues were resolves and Ms. Strickland was sworn in.

City Attorney, Anthony Jackson, stated since we are unable to see Ms. Strickland, the oath alone is insufficient for the record.

Supervisor, Mark Jones stated the property failed inspection for screens and windows but they are due to be delivered on August 2nd. He stated he is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Zeland agreed.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 3 - RTL 07-21-151 - Central Florida Realty & Property Management LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1111 Madison Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/9/2020.

Respondent was not present.

Field Supervisor Jones stated there was an inspection of December 28, 2020 and there were remaining violations. He stated a re-inspection is scheduled for July 21st which was cancelled due to the tenant being in the hospital. 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

Mr. Riggio indicated this was for case #4 and amended his order to reflect that this is the order for case #3.

CASE # 4 - RTL 07-21-152 - Central Florida Realty & Property Management LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **635 Cannon St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/16/2020.

Respondent was not present.

Field Supervisor Jones stated there was an inspection scheduled for January 4, 2021 and no one showed up for the inspection. He stated at the re-inspection on July 21st there were violations remaining. He stated there has been no re-inspection scheduled and 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 5 - RTL 07-21-153 - Central Florida Realty & Property Management LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **508 Sandra Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/3/2020.

Respondent was not present.

Field Supervisor Jones stated the inspection set for January 4th was cancelled. He stated a re-inspection was scheduled for July 21st and there were remaining violations. 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 6 - RTL 07-21-154 - Central Florida Realty & Property Management LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **739 Washington St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/13/2020.

Respondent was not present.

Field Supervisor Jones stated the property failed inspection on January 4, 2021. He stated a re-inspection was scheduled for July 21st and nothing had been corrected so the inspection was stopped. 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 7 - RTL 07-21-156 - Central Florida Realty & Property Management LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **810 Forest Ln.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/3/2020.

Respondent was not present.

Field Supervisor Jones stated there was an inspection on January 4 and no one showed. He stated a re-inspection was scheduled for July 21st and violations remain. He stated there have been no re-inspection scheduled to date and 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 8 - RTL 07-21-155 - Central Florida Realty & Property Management LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **443 Jefferson St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/3/2020.

Respondent was not present.

Field Supervisor Jones stated there was an inspection on January 4, 2021 and there was no one there. He stated a re-inspection is scheduled for July 21st and there were violations remaining. He stated no re-inspection has been scheduled and 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 9 - RTL 07-21-146 - Craig Conway is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1012 Hampton Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/5/2020.

Respondent was not present.

Field Supervisor Jones stated an inspection was conducted on January 20, 2021 and violations are remaining. He stated no re-inspection has been scheduled 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 10 - RTL 07-21-144 - Resource Properties Inc is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **930 Berkshire Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/30/2020.

Ms. Charlene Hartley came forward and was sworn in.

Field Supervisor Jones stated the property failed inspection February 10, 2020 due to a window being installed without a permit. He stated the Inspector has had no contact and a re-inspection has not been scheduled.

Ms. Hartley stated the property is in Compliance except for the window. She stated she did not realize she needed a permit and didn't think some things would be a problem. She stated she has gotten no response from contractors and can provide an email trail.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 11 - RTL 07-21-132 - Suzette E Bertalli is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **920 Berkshire Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/11/2021.

Ms. Suzette Bertalli came forward and was sworn in.

Field Supervisor Jones stated the case started from a complaint. He stated the inspector has had no contact and there has been no application for Rental License. He stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Bertalli stated she understands she needs to get a Rental License and inspection.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 12 - RTL 07-21-141 - Thomas C & Valerie D Hamm is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **928 N Halifax Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/22/2020.

Mr. Clinton Barrows, son of the owners, came forward and was sworn in.

Field Inspector Jones stated the property failed inspection of November 19, 2020 and failed re-inspection of July 9, 2021 with remaining violations. He stated they have been in contact and he is waiting to re-schedule the inspection on units 3 & 4.

Mr. Barrows stated most of the violations have been rectified. She stated Inspector Yates did not show up at the inspection. She stated she obtained a contractor who pulled the permit yesterday for the windows. She asked for more time.

Inspector Jones asked for the next cutoff to see how the work is progressing.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 13 - RTL 07-21-150 - Caroline Daytona Properties is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **629 Tucker St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/11/2020.

Mr. Earl McCrary came forward and was sworn in.

Field Supervisor Jones stated and inspection was scheduled on January 28th but no one showed. He stated he is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. McCrary stated he has applied for the license and he has a tenant at the property and is available anytime for inspection.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 14 - RTL 07-21-149 - Earl McCrary is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **521 Heineman St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/7/2020.

Mr. McCrary remained from the previous case.

Field Supervisor Jones stated the City completed an inspection of December 28, 2020 and violations were found. He stated no re-inspection has been scheduled. He stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. McCrary stated he was having issues with his tenants allowing the inspection and they are under eviction.

Field Supervisor Jones asked the Respondent to contact Inspector Yates to schedule the inspection.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 15 - RTL 07-21-174 - Caroline Daytona Properties LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1304 Idlewild Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/29/2020.

Again, Mr. McCrary remained for this case.

Inspector Steven Cole stated that an inspection was held on July 8, 2021 and the Respondent has applied for the Rental License. He stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. McCrary agreed.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 16 - RTL 07-21-157 - JKM ECM Properties LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **528 Tomoka Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/25/2020.

Mr. McCrary remained for his final case.

Inspector Cole stated he conducted an inspection on June 30, 2021 and the Respondent has applied for the Rental License. He stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. McCrary agreed.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 17 - RTL 07-21-159 - Barbara H Lamb is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1049 Imperial Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/9/2020.

Mr. Adeyemi Abel came forward and was sworn in. He stated the building was abandoned and there was a “for sale” sign in the yard and he spoke to the guy and he told him how to acquire the property via adverse possession so he purchased it. He stated he could live in it but not rent. He stated he applied for the Rental License but they denied it because he was not the owner. He stated he received the property through deed in 2015.

Mr. Jackson stated a deed cannot be self-executed and there should be some ^{quiet}~~quite~~ title action showing conveyance from the original owner.

Mr. Abel stated either the law permits it or it doesn't and referred to FSS 95.16 and 95.17.

Mr. Jackson stated the Mr. Abel is not an agent of the owner.

Mr. Abel stated the property went up for tax sale and he went in and paid the taxes. He referred to “Color of Title” and stated that it does not prohibit him from renting.

Mr. Riggio asked if the property is occupied.

Mr. Abel stated yes.

Mr. Jackson stated that Mr. Abel does not have marketable title and no proof of ownership without opinion or title option from the court.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 18 - RTL 07-21-165 - Bonnie Boyd, as Trustee of the Boyd Family Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **575 White St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/16/2020.

Respondent was not present.

Inspector Cole stated he has had no contact with the Respondent 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 19 - RTL 07-21-166 - Bonnie Boyd, as Trustee of the Boyd Family Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **149 Oakwood Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/16/2020.

Respondent was not present.

Inspector Cole stated he has had no contact with the Respondent 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 20 - RTL 07-21-167 - Bonnie Boyd, as Trustee of the Boyd Family Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **921 E Millard Ct.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/16/2020.

Respondent was not present.

Inspector Cole stated he has had no contact with the Respondent 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 21 - RTL 07-21-168 - Bonnie Boyd, as Trustee of the Boyd Family Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **915 E Millard Ct.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/16/2020.

Respondent was not present.

Inspector Cole stated he has had no contact with the Respondent 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 22 - RTL 07-21-169 - Lash Larue LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1315 Continental Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/29/2020.

Respondent was not present.

Inspector Cole stated he has had contact with the Respondent and inspection is scheduled for July 28, 2021. 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 23 - RTL 07-21-170 - Lash Larue LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **515 Model St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/29/2020.

Respondent was not present.

Inspector Cole stated he has had contact with the Respondent and inspection is scheduled for July 28, 2021. 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 24 - RTL 07-21-171 - Lash Larue LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1113 Lewis Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/29/2020.

Respondent was not present.

Inspector Cole stated he has had contact with the Respondent and inspection is scheduled for July 28, 2021. 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 25 - RTL 07-21-172 - Lash Larue LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **918 Lewis.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/29/2020.

Respondent was not present.

Inspector Cole stated he has had contact with the Respondent and inspection is scheduled for July 28, 2021.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 26 - RTL 07-21-173 - Lash Larue LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **908 E Millard Ct.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/29/2020.

Respondent was not present.

Inspector Cole stated he has had contact with the Respondent and inspection is scheduled for July 28, 2021.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 27 - RTL 07-21-138 - Robert T & Ju Miracle Hargrow is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **632 Tucker St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/14/2020.

Respondent was not present.

Inspector Cole stated he has had no contact with the Respondent and no application for Rental License has been submitted. 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 28 - RTL 07-21-177 - 1505 Edgewater Road Land Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1505 Edgewater Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/9/2020.

Mr. Gary Wade, Property Manager came forward and was sworn in.

Inspector LaWanda Tomengo stated the owner applied for the Rental License on October 7, 2020 but no inspection was scheduled. She stated she has had contact with the Respondent and inspection was scheduled for July 26 with remaining violations. 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 29 - RTL 07-21-148 - Arthur B Psathas is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **119 Milton Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/3/2020.

Respondent was not present.

Inspector Tomengo stated the owner has applied for the Rental License on July 20th and inspection has been scheduled. 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 August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 30 - RTL 07-21-178 - Christopher Jude Keating is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **600 S Lanvale Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/7/2020.

Mr. Christopher Jude Keating came forward and was sworn in.

Inspector Tomengo stated the owner has applied for the license on July 19th and she had had contact and schedule the inspection. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Keating agreed.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CASE # 31 - RTL 07-21-147 - Remun & Jane I Said is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1183 Peachtree Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/23/2020.

Respondent was not present.

Inspector Tomengo stated the owners applied for the license in May and inspection was held on December 18, 2020. She stated no re-inspection has been scheduled and she had called twice trying to schedule the inspection. She stated on July 21, she had contact with the owner and the re-inspection is scheduled for July 28th.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to the August 24, 2021 meeting for consideration of a fine up to \$1,000 per day.

CONTINUED CASES:

CASE # 33 - RTL 06-21-121 - Margaret W Pyke EST & Thomas J Willis EST is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **712 Clark St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/21/2020.

Peter Lewis, nephew of Sue Willis, came forward and was sworn in.

Inspector Tomengo stated there has been a change in Ownership of the property. She requested to add Sue Willis to the case who has gone through the probate process and obtained

sole ownership of the property. She stated inspection is scheduled for July 29th 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 August 18, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 34 - 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 the property was not in Compliance at the rental inspection. She stated she spoke to Ms. Catul and she has repairs underway. She stated re-inspection is scheduled 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 August 18, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 35 - RTL 06-21-120 - Nanette G Singler TR is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **332 Bartley Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/2/2020.

Ms. Nanette Singler came forward and was sworn in.

Inspector Tomengo stated since the last meeting there has been no re-inspection scheduled. She stated she has had contact and the owner provided invoicing and documents from contractors and she is asking to amend to the next cutoff.

Ms. Singler stated she contacted Bath Fitters and they are waiting on supplies. She stated the front door will be replaced on August 15th.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 36 - 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, came forward and was sworn in.

Inspector Tomengo stated the property is 3 units and was re-inspected on June 25th. She stated the owners have provided a signed contract and are waiting for windows in unit 1. She stated they have hired New South Window Solutions who said it would be delivered in 15-18 weeks. She stated she is requesting to amend to the September cutoff for Compliance.

Mr. Howard stated he agreed with Inspector Tomengo. He stated all of the windows are custom and the vendor has already applied for the permit.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by September 22, 2021 or be returned to a subsequent meeting for consideration of a new compliance date or the imposition of a fine up to \$1,000 per day.

CASE # 37 - RTL 06-21-130 - Antoun Kassab is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **415 N Halifax Ave #100**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/29/2020.

Respondent was not present.

Inspector Cole stated he has had contact with the Respondent and he has applied for the Rental License. He stated he inspected the property on July 1, 2021 and it was not in Compliance. He stated he is asking to amend to the next cutoff for repairs.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 38 - RTL 05-21-103 - Darryl Dwayne Waltrip is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **263 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 Respondent and he has applied for the Rental License. He stated he inspected the property on July 1, 2021. He stated he 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 August 18, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 39 - RTL 06-21-129 - Jermaine & Kiwani Patterson is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **750 Mercedes Ave**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/10/2021.

Respondent was not present.

Inspector Cole stated he has had contact with the Respondent and he has applied for the Rental License. He stated he inspected the property on July 1, 2021. He stated he is asking to amend to the next cutoff for repairs.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 40 - 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.

Mr. John Dunbar and Mr. Jonathan Dunbar came forward and were sworn in.

Inspector Cole stated he is asking to amend to the next cutoff for Compliance.

Mr. Johnathan Dunbar stated he would like to give the tenant time to move.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 41 - 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 he had contact with Mr. Stemmler and the re-roof is under way. He stated he pulled the permit and is asking to amend to September for windows.

There was discussion as to whether to amend to the August or the September cutoff.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 18, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

LR-1 - CEB 11-19-260 – 935 School St - Ryan Nunes (new owner is Activation Investment Group LLC) is cited for failure to correct violations of Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8); Art. 6 Sec. 6.2.A; Art. 6 Sec. 6.2.H.7.A; City Code Ch. 26 Sec. 26-294. Violation(s) – Off-street parking, junk vehicles, failure to obtain Rental License (RTL). First Notified – 12/29/2018. Order Imposing Fine/Lien of \$100 per day effective December 12, 2019 to a maximum of \$15,000. Compliance = June 14, 2021. \$15,000 plus \$24 recording fees = amount due = **\$15,024.00**.

Mr. Juan Angel came forward and was sworn in. He stated the property was under contract with a wholesaler, Alpine Trust, when he found out about the lien. He stated the property was vacant and he went to the City for permits and they told him he couldn't do anything until he owns it. He didn't want to cancel the contract or he would lose \$5,000 in earnest money. He stated he would like the fine reduced to \$2,000.

Inspector Recanzone stated the violation was complaint-driven and the property never passed rental inspection until the property came into compliance on June 14, 2021 and is requesting no reduction. He stated the property is vacant which is why it came into compliance and failed rental inspection. He stated the City is requesting no reduction.

Mr. Riggio stated the violations were from a previous owner and asked the Respondent if he was ~~renting~~ planning to rent the property.

Mr. Angel stated the violations were from a previous owner and his intention is to rent the property.

Mr. Jackson stated he was not sure as an investor the City has a desire to reduce the fine. He stated the previous owners brought the property into Compliance and June and Mr. Angel purchased the property in July.

Mr. Riggio asked the Respondent if he will have rehabilitation costs.

Mr. Angel stated he plans to spend \$25,000 to \$30,000 to rehab the property. He stated they have not begun any work.

There was additional discussion regarding the amount of the lien and how the Respondent would lose his earnest money. There was additional discussion regarding the amount of work that has been done.

Mr. Riggio stated he would like to have a contingent reduction of lien based on when they pass a Rental Inspection and then the lien could be reduced.

Mr. Jackson stated as of yesterday there are violations on the property and the property is not yet licensed or inspected. He stated that the City is requesting the case to be dismissed without prejudice and at the time the Respondent completes the renovation and is ready to rent will consider the improvements made and review the case at that time.

Mr. Angel stated they are willing to do the renovations.

DISPOSITION: Mr. Riggio dismissed the case without prejudice.

LR-2 - 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 imposed on February 25, 2021 of a one-time fine in the amount of \$12,000 plus \$24 recording fees plus \$219.68 interest on first lien = amount due **\$12,243.68.**

Ms. Colleen Miles came forward and was sworn in.

Mr. Jackson referred to the previous lien review where the Special Magistrate gave the parties time to work things out, but were unable to come to an agreement. He stated the City and the representative for the Respondent have now come to an agreement on a stipulation that the fine will be reduced to \$9,000.00 with \$4,500 due within 7 days and the remaining \$4,500 due within 90 days of the hearing date.

DISPOSITION: Mr. Riggio ordered the fine be reduced to \$9,000 with \$4,500 due within 7 days and the remaining \$4,500 due within 90 days of the hearing date or the fine reverts back to the original amount.

Mr. Riggio announced the meeting was adjourned at 11:23 a.m. and will reconvene at 1:00 p.m.

Mr. Riggio called the afternoon session to order at 1:02 pm. He asked that the City staff who will be testifying be re sworn.

Inspector Clifford Recanzone and Manager Denzil Sykes were sworn in.

IRREPARABLE/IRREVERSIBLE

CASE # 42 - RTL 07-21-136 - Lynn Rawson is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **518 Hillside 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 – 6/14/2021.

Ms. Lynn Rawson appeared via zoom and was sworn in.

Inspector Recanzone stated the property is zoned SFR-5. Other Accommodations, also known as short-term rentals are not allowed in this zoning district. He stated he notified the Respondent on June 14th and has seen no advertising since July 20, 2021 and is asking for a fine in the amount of \$15,000.

Mr. Jackson stated the violations are irreparable and irreversible in nature as the Statute stated and it cannot be reversed. He stated it gives an irreversible gain to the property owner through the methods of advertising as well as the action of renting itself. He stated advertising that was conducted is prohibited by the Code and is worldwide, marketing a destination that draws people from all over the world for principle special events and nearby destinations. He stated once the properties are advertised, they are never unadvertised. He stated once the advertisement is out, they are out and they can be printed, forwarded, re-tweeted, copied and posted on other sites. He stated after being taken down from the primary source, they are still accessible in producing rental inquiries. He stated FACEBOOK says that 1.6 billion people can connect to a business on their platform. He stated estimates are that 10 million to 1 billion respond to vacation rental advertising. He stated the information has long range effects and patrons agree to participate in unlawful says in our City with risk of poor health, safety and welfare due to unregulated and self-regulated vacation accommodations. He stated the patrons enter at their own risk. He stated one advertisement can potentially book a property for a whole year. He stated these promised stays can contribute to the detriment of the patron and definitely to the licensed hotels, motels. He stated unlawful vacation rentals have not gone through proper zoning regulations, proper inspections, proper zoning licensing, proper insurance and proper taxation requirements of law. He stated the transient nature of rentals limit the means of enforcement typically to identify these properties. He stated by the time Code Enforcement arrives, the transient patrons are gone from the property or they claim some misleading relationships that are often contradicted by the advertised visitor comments. He stated the monetary effect of these unlawful rentals is tax avoidance, inadequate insurance coverage and unfair business competition against unlawful accommodations. He stated the community effect is transient business within neighborhoods affect the citizens through parking, noise and safety.

He stated it affects the peaceful enjoyment of residential neighborhoods, it diverges from traditional, reliable residential wants. He stated there is a demand from the business community to our Commission which has led to a request for a strong deterrent to those that are raking in profits, avoiding taxes, avoiding zoning requirements and regulatory controls. He stated we have all seen rentals going for several thousand dollars a week and realize substantial fines are not only a deterrent but are what is available. He stated by the time we arrive and say stop, the beneficial gains are already realized. He stated State Law adopted by the City defines vacation rentals to include advertising for transient guests and therefore the City requests a finding of these violations are irreparable and irreversible in nature. He stated the gravity of the violations is such that a fine in the amount of \$15,000 is warranted. He stated we have seen where individuals have come in and had situations where they had great concerns where people that are strangers in the neighborhood on a regular basis and we see numerous complaints from our communities that are flooded with unlawful short-term rentals. He stated in this case the property continued advertising for over 30 days beyond notification and the inspector was able to verify that this was the property that was being advertised and the City is asking for a fine in the amount of \$15,000 and a finding of irreparable and irreversible.

Mr. Riggio asked the inspector what the complaint was in this case.

Inspector Recanzone stated he received a complaint for the entire block on Hillside and he investigated.

Mr. Riggio asked what the nature of the complaint was.

Inspector Recanzone stated they were short-term rentals, over parking.

Mr. Riggio asked who was complaining.

Inspector Recanzone stated they were complaining at public meetings and communication sent to his office. He stated he received emails were being sent to his office from residents in the neighborhood. He stated he had to call the PD to have a fifth wheel trailer removed from that street during the truck event. He stated he had to call on a backhoe on that street to be removed.

There were technical issues with Zoom, ^{it appeared Respondent was having} and we ~~proceeded to another case in order to resolve~~ these issues. ^{having trouble hearing everything}

Mr. Riggio asked what the nature of the non-compliance was.

Inspector Recanzone stated he found it online.

Mr. Riggio asked the Inspector if he had been contacted at any time during that period by the Respondent.

Inspector Recanzone stated he was not sure if he was contacted by the property owner and that he was on vacation for a period of time.

Ms. Rawson stated she has not been able to hear. She stated it was “staticy” and the volume is coming in and out. She stated she heard a few words.

Captain Lee stated IT reports they do not see any problems on their end and there have been several zoom calls during the meeting with no problems.

Mr. Jackson asked the Respondent to disconnect and re-connect.

Mr. Riggio called the next case while the technical difficulties were being worked out.

CASE # 43 - RTL 07-21-137 - Hieu H Tran & Hoanguyen Thi Nguyen is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **580 Rio Vista Ave.** Violation(s) – Zoning violation - the property is zoned MFR-12. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 6/14/2021.

Mr. Hieu Tran and translator Mr. Si Tran appeared via Zoom and were sworn in.

Inspector Recanzone stated the property is in non-compliance for violations of the zoning which is MFR-12 and other accommodations, also known as short-term rentals, are not allowed in this zoning district. He stated he notified the Respondent on June 14th and the Respondent was still in violation on July 19th. He stated he has seen not ~~advertising~~ ^{advertising} online since July 20th. He stated the complaints came from several departments in the City and the trailer from Hillside ended up at this location. He stated the advertising was not removed immediately and is asking for a fine in the amount of \$15,000 for irreparable and irreversible violations.

The Respondent seemed to be having audio issues and Mr. Riggio announce that the call would be shut down and re-call in to establish a new meeting and it would take about 20 minutes.

CASE # 45 - RTL 07-21-162 - Jose Marquez & Angie Rumaldo is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **357 Plaza Blvd.** 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 – 6/29/2021.

Mr. Jose Marquez and Ms. Angie Rumaldo came forward and were sworn in.

Inspector Recanzone stated the property is located in zoning district SFR-5 and short-term rentals are not permitted in this zoning district. He stated a property owner came into the office upset about this short-term rental. He stated they found the listing online on June 29th and it was posted on the same day. He stated he has seen not advertising after that date. He stated he is requesting a fine in the amount of \$1,000.

Mr. Jackson asked the Respondents if they would like him to repeat his argument identifying this as irreparable and irreversible.

Ms. Rumaldo stated she did not want to hear it again. She stated they were transitioning to Daytona Beach and since they were ~~able~~ ^{not} able to move until September they went this direction to pay their mortgage and taxes. She stated they are in the medical field and did not realize it was not allowed.

DISPOSITION: Mr. Riggio found the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature, the property is in Compliance as of June 29th, 2021, and imposed a fine in the amount

of \$1,000 and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 46 - RTL 07-21-163 - Lise Forte is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **15 Goodall 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 – 7/6/2021.

Lise Forte came forward and was sworn in.

Inspector Recanzone stated the property is in an area zoned SFR-5 and that he found the violation on July 6th on Airbnb. He stated he posted the property on July 6th and has not seen the advertisement online since the posting. He stated this was a multiple people complaint and is asking for a fine in the amount of \$1,000.

Mr. Jackson stated the City is asking for a finding of irreparable and irreversible.

Ms. Forte stated she had nothing to say.

DISPOSITION: Mr. Riggio found the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature, the property is in Compliance as of July 7, 2021, and imposed a fine in the amount of \$1,000 and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 50 - RTL 07-21-131 - Garry Christopher Smith & Melanie Eddington is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **417 Hillside 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 – 6/14/2021.

Ms. Melanie Eddington came forward and was sworn in.

Inspector Recanzone stated the case started from a complaint for the entire block of Hillside. He stated the tenants were here for truck week and had an oversized trailer parked there on June 13th. He stated he found the listing on Airbnb on that date and has not seen it online since then. He stated he is asking for a fine in the amount of \$1,000.

Ms. Eddington waived repetition of Mr. Jackson's irreparable and irreversible argument. She stated she took it down immediately and canceled all reservations. She stated she is selling the property and asked for a reduction. She stated she had a contract through Airbnb and thought she was paying the necessary taxes.

DISPOSITION: Mr. Riggio found the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature, the property is in Compliance as of June 13, 2021, and imposed a fine in the amount of \$1,000 and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 49 - RTL 07-21-175 - Zilma Constanza is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **2724 Dach 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 – 7/7/2021.

Ms. Zilma Constanza came forward and was sworn in. She asked to continue the case and decided to continue. *with the hearing*

Inspector Recanzone stated this property is zoned SFR-5 and short-term rentals are not permitted in this zoning district. He stated he found the property listed on Airbnb on July 7 and has not seen it online since that date. He stated the violation is irreparable and irreversible.

Ms. Constanza stated she heard Mr. Jackson's argument for irreparable and irreversible and waived repetition. She stated she did not know and that it would never happen again.

DISPOSITION: Mr. Riggio found the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature, the property is in Compliance as of July 8, 2021, and imposed a fine in the amount of \$1,000 and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 52 - RTL 07-21-135 - Guadalupe Oliver Camacho & Julian Andres Sarmiento Serrano is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **444 Nautilus 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 – 6/14/2021.

Ms. Faye Dutcher, Property Manager, came forward and was sworn in.

Inspector Recanzone state he found the property on Airbnb. He stated he found the property online on May 27, 2021 and the property was posted on June 14th. He stated he had not found the advertising since that date. He stated he is asking for a fine in the amount of \$1,000.

Ms. Dutcher stated she heard Mr. Jackson's prior arguments for irreparable and irreversible and did not need him to repeat them. She stated they applied for a Rental License in 2019 and the property was inspected on March 21. She stated she doesn't know how it got on Airbnb. She stated she placed the advertising on Craig's list and was only allowing 6 month minimum rentals. She stated she did not know why it had a daily rate and doesn't think she is guilty.

Inspector Recanzone stated advertising short-term rentals on the web in areas where it is never allowed is a violation.

DISPOSITION: Mr. Riggio found the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature, the property is in Compliance as of June 15, 2021, and imposed a fine in the amount of \$1,000 and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

Mr. Riggio called a recess at 2:04 p.m.

The meeting resumed at 2:12 p.m.

CASE # 53 - RTL 07-21-180 - Morgan & Parker LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **14 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. First Notified – 6/23/2021.

Ms. Jessica Gow, attorney for the Respondent came forward with the authorized agent, Ms. Jayne Rocco. Ms. Rocco was sworn in.

Inspector Recanzone stated he has had contact with the Respondents and this is the second time at hearing. He stated the first time was in January of 2021 and the property received a fine of \$15,000 for a zoning violation for short-term rentals.

Mr. Jackson asked the Respondent if they heard his reasons why the City is requesting the fine be Irreparable and Irreversible.

Ms. Gow ^{RECANZONE} stated they heard the argument and waived repetition of the argument.

Mr. ~~Riggio~~ stated on January 26, 2021 the property was being rented short-term and had been found advertising on Trip Advisor.

Mr. ~~Recanzone~~ ^{Rocco?} stated yes. He stated the property was posted on June 23rd and on March 10th again found the property posted on a different site. He stated he contacted the respondent via phone. He stated he found no other listings since March 10th.

Mr. Jackson stated there are both statutory and Land Development Code considerations for the fine. He stated the statutory considerations include the egregiousness of the violation and efforts to comply. He stated history of the Respondent is also a consideration and whether they had clear prior knowledge.

Ms. Gow stated the Lien Review and case are intertwined and the Respondent had communication with the inspector throughout. She stated they were unable to find the listing and it seems to be on a UK website. She stated the listing was originally on VRBO and TripAdvisor and this may be a branch that "didn't get the memo". She stated her client had never posted anything on Holiday Lettings. She stated her client has the property rented for 6 months plus at the moment.

Captain Scott Lee was sworn in. He stated it is common practice for people trying to avoid detection to post outside the country.

Mr. Riggio asked if it was possible to download the entire listing, such as the metadata within a photo?

There was further discussion on whether this is possible and Inspector Recanzone ^{stated} the pictures on this site are fewer and appear to be in a different order.

DISPOSITION: Mr. Riggio found the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature, the property is in Compliance as of March 11, 2021, and imposed a fine in the amount of \$1,000 and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

LR-3 RTL 01-21-22 - 14 S Halifax Ave - Morgan & Parker LLC 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 Accomodations" are not a permitted use in the zoning district. First Notified – 5/29/2020. Order of Non-Compliance and Finding of Irreparable and Irreversible Violation and Imposition of Fine imposed on January 26, 2021 of a one-time fine in the amount of \$15,000 plus \$24 recording fees = amount due **\$15,024.00**.

Ms. Gow stated the original violation was in November of 2020. She stated she obtained a long-term rental license and blocked out and cancelled any bookings. She stated the parcel has 2 zoning designations and is allowed to short-term rent on 1/3 of the property. She stated there is an active application to rezone the entire property. She stated she is asking that the fine be reduced to \$1,500.

Inspector Recanzone stated the City is requesting no reduction since there was a previous violation on the property.

DISPOSITION: Mr. Riggio denied reduction of the lien.

Mr. Riggio recalled case # 42. Ms. Rawson was re-sworn.

Mr. Riggio directed the Respondent to notify him by hand if she cannot hear at any time during the case.

Mr. Recanzone repeated his previous statement regarding the violations

Mr. Jackson repeated his irreparable and irreversible argument.

Ms. Rawson stated as soon as the next door neighbor told her the violation was on the door and sent it to her, she took it down. She stated on Airbnb and VRBO you lose control once it's on the website and if the listing was found on Facebook, she didn't put it there. She stated she inherited the house from her parents and was trying to keep it afloat until she could sell. She stated she immediately took it down and referred to an email she sent to Mr. Recanzone. She stated it is now on the market.

Inspector Recanzone stated the same ad is still active and has had over 50 reviews. He stated the Respondent has no long-term rental license and the property is still in Non-Compliance even though she has changed the listing to 6 months. He stated he contacted the Respondent regarding not having a rental license and then she took the advertising down. He stated he is requesting a fine in the amount of \$15,000.

Ms. Rawson stated when Mr. Recanzone called her, she took the advertising down and it was a misunderstanding.

Inspector Recanzone stated he informed her she could not rent without a license.

Ms. Rawson stated she was working toward 6 month advertising. She stated when she inherited the house she had an inspection done and she told the homeowner's insurance that she wanted to be able to rent it and she had to do a second level of inspection.

Inspector Recanzone stated there was no inspection done through the city. He stated if the Respondent had asked the City, we would have advised her of the rental process.

Ms. Rawson agreed. She stated she was dealing with grief and depression from losing her parents.

Mr. Riggio stated the neighbors are complaining and are losing the enjoyment of their home for the Respondent's economic benefit in an area where it is not allowed.

Ms. Rawson stated she was told by a neighbor that Airbnb collected taxes but did not attach the address it is coming from.

Mr. Riggio stated the use is prohibited.

DISPOSITION: Mr. Riggio found the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature, the property is in Compliance as of July 21, 2021, and imposed a fine in the amount of \$15,000 and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

Mr. Riggio recalled Case #43 at 580 Rio Vista Avenue.

Mr. Tran and his translator were previously sworn in.

Inspector Recanzone stated the case is here for a zoning violation and was first notified on June 14th. He stated he had contact with the respondent on July 19th to advise him the property is still in Non-Compliance and the listing was removed. He stated he has seen no advertising since July 20th. He stated the complaint came from multiple departments in the City during Bike Week and the trailer on Hillside ended up in this yard. He stated he is requesting a one-time fine in the amount of \$15,000.

Mr. Jackson stated the City is requesting to make the violation irreparable and irreversible and asked the respondent if he heard his argument as to why the violation is irreparable and irreversible.

Mr. Riggio asked the City Attorney to repeat the argument.

Captain Lee stated he would like to establish that the Respondent understands since he has a translator.

Mr. Riggio asked the Respondent if he understands.

Mr. Tran (translator) stated he is translating what he doesn't know and if he doesn't understand, he translates for him.

Mr. Jackson repeated his argument.

Mr. Tran stated he purchased the house and was planning to retire there. He stated COVID and then pregnancy prevented him from moving. He stated they plan to move in September so they put it up for rent to pay the bills and taxes. He stated he did not know it was not allowed. He stated he pulled the listing after the first letter but it was already booked and he didn't think it was a problem. He stated the guests that he cancelled were mad. He stated he received the letter on the 19th and had no bookings after that.

DISPOSITION: Mr. Riggio found the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature, the property is in Compliance as of July 20, 2021, and imposed a fine in the amount of \$15,000 and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

Mr. Riggio stated the property was used as a revenue generator and even when notified continued to violate the code.

CASE # 44 - RTL 07-21-160 - 1724 Daytona LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1724 N Atlantic 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 – 6/29/2021.

Mr. Jacob Fuchs, Property Manager, appeared via Zoom and was sworn in.

Mr. Riggio advised the respondent to notify him if he was unable to hear at any time.

Inspector Recanzone stated the case is here for violation of a zoning code for other accommodations also known short-term rentals. He stated the property is still in Non-Compliance and advertising remained after multiple complaints. He stated he is asking for a fine in the amount of \$15,000 because the advertisement was not removed after the property was posted.

Mr. Jackson asked for a finding of irreparable and irreversible and repeated his argument for that ruling.

Mr. Fuchs stated Daytona Ocean Rentals is the property management company and he was unable to reach the inspector and the ad was removed on July 19th.

Captain Lee stated that the Respondent and his relationship with Airbnb and VRBO is pushing his delay in Compliance back onto the City even after he was given notice. He stated that should be taken up with those entities.

Mr. Fuchs stated he received the notice on June 29th and by July 19th it was removed. He stated he thinks his case should fall in the category of the \$1000 fines imposed on previous cases.

Captain Lee stated that the listings on these platforms can be taken down in minutes. He stated the Respondents receiving \$1000 fines received the notice and took the listing down immediately.

Mr. Fuchs stated the removed it from VRBO and there was a technical issue in removing it from the Property Manager's website that he was not aware of until July 19th.

Mr. Jackson stated the issue could have been avoided if the Respondent had followed the procedures for the City and gone to get a Business Tax Receipt or spoke to Mr. Recanzone before he put the property up for rent.

DISPOSITION: Mr. Riggio found the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature, the property is in Compliance as of July 19, 2021, and imposed a fine in the amount of \$15,000 and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 47 - RTL 07-21-164 - Micah J Anderson & Derek D Crawford is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **130 S Oleander 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 – 7/6/2021.

Mr. Micah J Anderson appeared via Zoom and was sworn in.

Inspector Recanzone stated there has been no advertising since he posted the property on July 6th and that it had been taken down immediately. He stated he is requesting a fine in the amount of \$1,000.

Mr. Anderson stated they were unaware of the City's law and they had registered with the State and County. He stated as soon as he spoke with the inspector, he took it down.

DISPOSITION: Mr. Riggio found the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature, the property is in Compliance as of July 6, 2021, and imposed a fine in the amount of \$1,000 and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 48 - RTL 07-21-161 - Pablo Daniel Cunico is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **402 N Wild Olive 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 – 6/29/2021.

Mr. Arthur Huggins, attorney for the Respondent, appeared via Zoom.

Mr. Recanzone stated the property is located in a zoning area for RP and short-term rentals are not allowed in that zoning district. He stated the Respondent has applied for a long-term rental license. He stated he has seen no advertising since he posted the property on June 28th and is asking for a fine in the amount of \$1,000.

Mr. Jackson repeated his argument and asked for the violation to be ruled as irreparable and irreversible argument.

Mr. Huggins stated the standard ad still remains accessible and there is no proof of website or pictures. He stated there is no proof of gains, no testimony and the City is claiming irreparable on non-conforming use. He stated his client removed any advertisement and according to FSS 162.06.2 there was no notice or time to cure the condition. He stated his client applied for a license.

Mr. Jackson stated the opposite is true and if a finding of irreparable and irreversible there is no time to cure. He stated it is specific to the type of violation and upon determination of the violation may take it to a Magistrate for fine. He stated considerations for the amount of the fine of gravity, efforts and history of the Respondent. He stated the efforts are why they are not asking for a \$15,000 fine. He stated there is clear record and consideration of a \$1000 fine is warranted.

Mr. Riggio stated no proof of rental.

Mr. Jackson stated the ordinance requires the finding of a tenant which is a challenge and therefore being held out is an indication of a short-term rental. Mr. Jackson stated FSS 509-13 is the determination of transient housing and read the Statute to the Magistrate stating it is an inappropriate use in this situation.

Mr. Huggins asked the fine be reduced to \$500. He stated there are no previous violations and the Respondent tried to reach out to Mr. Recanzone.

Mr. Riggio explained his definition of irreparable and irreversible.

DISPOSITION: Mr. Riggio found the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature, the property is in Compliance as of June 29, 2021, and imposed a fine in the amount of \$1,000 and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 51 - RTL 07-21-133 - Giuseppe Paternuosto & Luisa I Gomez is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **600 Ribault 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 – 6/14/2021.

Respondent was not present.

Inspector Recanzone stated the property is zoned SFR-5 and short-term rentals are not allowed in this zoning district. He stated the listing was removed on June 21st. He stated there has been no activity since June 13th and is asking for a fine in the amount of \$1,000.

Mr. Jackson repeated his argument as to why the violation is irreparable and irreversible.

DISPOSITION: Mr. Riggio found the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature, the property is in Compliance as of June 13, 2021, and imposed a fine in the amount

of \$1,000 and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

Mr. Riggio asked if there was any Miscellaneous Business.

Captain Lee stated that it was apparent during the last cases that the Respondents are trying to shift the ~~burden~~ ^{burden} to the City and that it was overwhelming for the City. He stated the advertising supports the violation and corresponding fine and the City should be held to the same standard as testimony from the Respondent is.

Mr. Riggio stated the standard to ~~prove~~ ^{of proof for substantial competent evidence} is low and ~~that~~ ^{but} he wants to be comfortable that the appropriate fine is ordered.

The meeting was adjourned at 5:21 p.m.