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# City of Daytona Beach Special Magistrate

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

**Robert J. Riggio, Special Magistrate**

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## August 24, 2021 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney

Scott W. 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

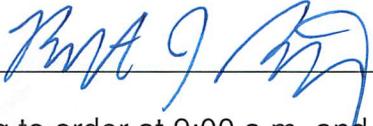
Mr. Steven Cole, Rental Inspector

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 9:00 a.m. and announced the procedure for the meeting. He approved the minutes for the July 27, 2021 with corrections.

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

Ms. Barnes announced the following cases in compliance.

**CASE # 9 - RTL 08-21-189 - Max Cutler EST** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **152 Black Crow Cr Unit 4130**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/1/2020.

*Compliance 8-23-2021*

**CASE # 36 - 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.

*Compliance 8-20-2021*

**CASE # 38 - 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.

*Compliance 8-20-2021*

Mr. Riggio called the first new case.

**CASE # 1 - RTL 08-21-181 - Alexander Contreras** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **518 Cannon**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/10/2021.

Respondent was not present.

Inspector Steven Cole stated the property was noticed on June 10 and compliance was due June 24<sup>th</sup>. He stated as of August they have applied for the rental license but inspection has not been scheduled. 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 September 22, 2021 or be returned to the September 28, 2021 meeting for consideration of a fine up to \$1,000 per day.

**CASE # 2 - RTL 08-21-182 - Cash Flow Links Florida LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **854 Derbyshire Rd**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/12/2020.

Respondent was not present.

Inspector Cole stated he has had no contact from the Respondent and is requesting a finding of Non-Compliance and Compliance by the next cutoff.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by September 22, 2021 or be returned to the September 28, 2021 meeting for consideration of a fine up to \$1,000 per day.

The respondent was not on the Zoom call so Mr. Riggio proceeded to the next case.

**CASE # 3 - RTL 08-21-183 - Harpreet Kaur Sodhi & Harbans Kalra** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **433 Pelican Bay Dr**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/2/2021.

The Respondent was not on the zoom call.

The audio/video technicians indicated that the Respondents may have a technical issue so Mr. Riggio stated that he would hold off on making his determination final to provide Respondents with some extra time to appear by Zoom if there was a technical issue. (Final determination on page 11.)

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by September 22, 2021 or be returned to the September 28, 2021 meeting for consideration of a fine up to \$1,000 per day.

**CASE # 4 - RTL 08-21-184 - Michelle Newkirk** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **7 Whistling Duck Ct.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/12/2021.

Ms. Frances Mitchell, Property Manager, came forward and was sworn in.

Inspector LaWanda Tomengo stated a rental application has been submitted and inspection scheduled for September 10<sup>th</sup>. 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 September 22, 2021 or be returned to the September 28, 2021 meeting for consideration of a fine up to \$1,000 per day.

**CASE # 5 - RTL 08-21-185 - Elena Tkachuk** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **120 Prestwick Grande Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/26/2021.

Respondent was not present.

Inspector Tomengo stated she had recent contact with the Respondent and they will apply for the Rental License. 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 September 22, 2021 or be returned to the September 28, 2021 meeting for consideration of a fine up to \$1,000 per day.

**CASE # 6 - RTL 08-21-186 - William R & Michele L Greenly** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **336 Brown Pelican Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/21/2020.

Ms. Jamie Korea, Property Manager, came forward and was sworn in.

Inspector Tomengo stated an inspection on May 20<sup>th</sup> failed and she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Korea stated the tenant has COVID and they are waiting 30 days before scheduling the inspection.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by October 20, 2021 or be returned to the October 26, 2021 meeting for consideration of a fine up to \$1,000 per day.

**CASE # 7 - RTL 08-21-187 - 1255 Golfview Realty LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1234 Margina Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/20/2020.

Respondent was not present.

Inspector Tomengo stated the inspection was cancelled and due to the tenant not allowing access. She stated she called the owner back in July to reschedule but received no communication. She stated she posted the property in August and spoke to the tenant. 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 September 22, 2021 or be returned to the September 28, 2021 meeting for consideration of a fine up to \$1,000 per day.

**CASE # 8 - RTL 08-21-188 - JNG Property Group LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **815 Marion St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/18/2020.

Respondent was not present.

Inspector Tomengo stated the owners applied for the license in November and inspection was done in January which failed. She stated she has had no follow-up 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 September 22, 2021 or be returned to the September 28, 2021 meeting for consideration of a fine up to \$1,000 per day.

**CASE # 10 - RTL 08-21-190 - GEA Seaside Investments Inc** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **509-511 Harvey Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/7/2020.

Respondent was not present.

Inspector Tomengo stated the property is unlicensed and she has tried to contact the Respondent twice with no response. She stated she posted the property on August 12 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 September 22, 2021 or be returned to the September 28, 2021 meeting for consideration of a fine up to \$1,000 per day.

**CASE # 11 - RTL 08-21-191 - Red Door Premier Properties** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **233 S Lanvale Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/24/2020.

Bernard and Pat Bashatti, owners, came forward and were sworn in.

Inspector Tomengo stated she conducted an inspection yesterday and the Respondent had provided previous documentation that the screens are on order. She stated she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Bashatti stated they want to be in Compliance.

Ms. Bushatti stated the screens were being installed today.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by September 22, 2021 or be returned to the September 28, 2021 meeting for consideration of a fine up to \$1,000 per day.

Mr. Riggio called the lien review.

**RTL 02-21-43 – 940 W Intl. Speedway Blvd (942 W Intl. Blvd) - Bulldog Empire IV LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/18/2019. **Order Imposing Fine-Lien of \$150 per day imposed on March 23, 2021 to a maximum of \$15,000. Compliance = August 6, 2021. Amount due - \$15,000 plus \$24 recording fees plus \$9.88 interest = \$15,033.88.**

Mr. Eric Brinkerhoffer, Property Manager, came forward and was sworn in. He stated he had issues with the supplier and has proof. He stated the windows came in broken and damaged.

Inspector Tomengo stated the City is requesting no reduction due to the length of time to come into Compliance and that the property failed inspection in April, June and August of 2018. She stated the Respondent installed a window without a permit at the inspection on February 26, 2021.

Mr. Brinkerhoffer stated this was prior to them taking over the management due to the owner having issues with current management company. He stated they installed one window.

Mr. Jackson asked when they took over property management for Bulldog.

Mr. Brinkerhoffer stated in 2019. He stated the property was not in Compliance when they took it over.

Ms. Tomengo gave a history of the inspections on the property and stated at the February 26 inspection she found the window installed without a permit and additional violations such as a window in unit 2 that would not open or close. She stated there were also issues with some doors.

Mr. Brinkerhoff stated they made attempt to schedule inspection but the tenant wouldn't allow. He stated COVID was one issue.

Captain Lee stated the violations and Notice on this property occurred before COVID.

Mr. Brinkerhoff stated no other county requires a permit.

Mr. Jackson stated a permit is required via the adoption of a Land Development Code and the Respondent should have inquired.

Mr. Brinkerhoff stated it is an older building and continually needs repairs.

**DISPOSITION:** Mr. Riggio denied reduction of the lien.

Mr. Riggio called the first returning case.

**CASE # 12 - 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.

Respondent was not present.

Inspector Tomengo stated a rental inspection was held on August 18<sup>th</sup> that failed. She stated the Respondent needs permits and that she is in communication with them.

**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 fine up to \$1,000 per day.

**CASE # 13 - 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.

Respondent was not present.

Inspector Tomengo stated she conducted a rental inspection and there are still issues. She stated the windows need to be replaced and she is in communication with the owner and they estimate it will be October before they can be installed. She stated she is requesting to amend to the October cutoff.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by October 20, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 14 - 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.

Respondent was not present.

Inspector Tomengo stated inspection failed. She stated at the re-inspection on August 11, she observed the smoke detectors had been installed and there was a scheduling conflict with the electrician for the GFCI. She stated she is requesting 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 September 22, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 15 - RTL 06-21-121 - Margaret W Pyke EST & Thomas J Willis EST & Sue Willis** 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.

Mr. Peter Lewis, nephew of owner, came forward and was sworn in.

Inspector Tomengo stated she completed an inspection and the property needs repairs. She stated she has been in contact with Mr. Lewis but there are medical issues at the property and she is requesting to amend to the next cutoff.

Mr. Lewis had no objection.

**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 fine up to \$1,000 per day.

**CASE # 16 - 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.

Marie Catul appeared via Zoom and was sworn in.

Inspector Tomengo stated an inspection was completed and failed. She listed the violations that are remaining on the property and stated the owner is in the process of evicting the tenant. She stated she is requesting to amend to the next cutoff for Compliance.

When asked if Ms. Catul had anything to add, she stated no.

**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 fine up to \$1,000 per day.

**CASE # 17 - 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 there has been no progress and she spoke to Ms. Singler on the 17<sup>th</sup> who was supposed to send an update on items for the bathroom from the contractor but she has not received it.

Ms. Singler stated she spoke to Daytona Door and they told her he applied for the permit for the windows and will schedule. She stated she spoke to Bathfitters and the work is supposed to be done on the morning of September 23<sup>rd</sup>.

Ms. Tomengo stated since there is no re-inspection scheduled since January, she is requesting a fine in the amount of \$100 to a maximum of \$15,000.

Captain Scott Lee stated there is no record of a permit being applied for.

There was discussion regarding an unpermitted door and Ms. Singler stated it was broken by the tenant.

**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 fine up to \$1,000 per day.

**CASE # 18 - 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 Property manager Susan Mozella appeared in person and both were sworn in.

Field Supervisor Mark Jones stated he spoke to the owner and the windows are on order. He stated he is requesting to amend to the next cutoff.

Ms. Mozella stated she ordered them from Lowes 10 months ago and she has an installation date of September 7<sup>th</sup>. She stated she had emailed the information to Inspector Kevin Yates.

**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 fine up to \$1,000 per day.

**CASE # 19 - 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.

Ms. Amia Aubrey, Property Manager, came forward and was sworn in.

Field Supervisor Jones stated there has been no progress and he is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

Ms. Aubrey stated the tenant is in the hospital and they are unable to get into the property.

Mr. Jones stated an inspection was conducted on December 28<sup>th</sup> which failed for GFCI's and smoke detectors. He stated the inspection scheduled for July was cancelled because the tenant was sick.

Mr. Riggio asked if the tenant is not on the premises why they cannot conduct the inspection at this time.

Ms. Aubrey stated she is working with family members.

Captain Lee stated there has been no communication with the respondent.

Mr. Jones stated that Mr. Yates voicemail is coming to him and he has had no communication.

Ms. Aubrey stated she contacted Mr. Yates on July 26<sup>th</sup>.

Mr. Riggio stated that was the day before the last proceeding.

Mr. Jones stated there was no one at the last hearing.

Mr. Riggio ordered that a fine in the amount of \$50 per day be imposed effective August 24, 2021 to a maximum of \$15,000 or until the property comes into Compliance.

Mr. Carlos Marchbanks, owner came forward and was sworn in. He stated he supervises the management of the properties and that he can rectify the issues.

Mr. Jones gave the respondent a list of violations that need to be corrected

Mr. Riggio withdrew his previous order and ordered the following:

**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 fine up to \$1,000 per day.

**CASE # 20 - 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.

Mr. Jones stated he has had no contact with the Respondent, there has been no progress and he is asking for a fine in the amount of \$100 to a maximum of \$15,000. He stated there are numerous issues including a shed on the property. He stated the Inspector was told the property was being sold.

There was discussion regarding the property being sold in the middle of the case and that the Respondent would still be responsible.

Captain Lee asked if the property is occupied.

Ms. Aubrey stated yes.

Mr. Jones stated there are safety issues at the property.

Mr. Marchbanks stated lack of funding has kept him from fixing the property. He stated he is spread thin and hired Ms. Aubrey. He stated the tenants are not paying rent and he has tried to assist them with funding available from the City but they refused. He stated there is a moratorium on evictions.

Mr. Jones asked the Respondent what has been done.

Mr. Marchbanks stated he had a handyman.

**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 fine up to \$1,000 per day.

**CASE # 21 - 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.

Inspector Jones named a number of issues with the property and stated at the last inspection they were unable to enter the master bedroom because it was locked.

Mr. Marchbanks stated the inspector did not enter the property at all due to Non-Compliance on the outside. He stated they have made the repairs.

Mr. Jones asked what items have been corrected.

Mr. Marchbanks did not respond.

**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 fine up to \$1,000 per day.

**CASE # 22 - 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.

Captain Lee asked what was repaired at this address but there was no response from the Respondent.

Mr. Jones stated the issues that need to be corrected at this address.

**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 fine up to \$1,000 per day.

**CASE # 23 - 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.

Mr. Jones stated the issues that need to be corrected.

Mr. Marchbanks stated there has been no progress.

**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 fine up to \$1,000 per day.

**CASE # 24 - 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.

Mr. Jones stated the corrections that need to be made at this address.

Mr. Marchbanks stated he intends to sell this property.

**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 fine up to \$1,000 per day.

Mr. Riggio recalled Case # 3 who was still not available via zoom.

**CASE # 3 - RTL 08-21-183 - Harpreet Kaur Sodhi & Harbans Kalra** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **433 Pelican Bay Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/2/2021.

Respondent still not present for Zoom hearing.

Inspector Tomengo stated she attempted to call and sent email to the Respondent. She stated the inspection in April failed. She stated she has received recent email correspondence and they are having difficulty scheduling the inspection. She stated she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by September 22, 2021 or be returned to the September 28, 2021 meeting for consideration of a fine up to \$1,000 per day.

**CASE # 25 - 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 – 8/5/2020.

Respondent was not present.

Mr. Jones stated there has been no contact with the respondent and no progress has been made. He stated he is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

**DISPOSITION:** Mr. Riggio imposed a fine in the amount of \$100 dollars per day, effective August 24, 2021, to a maximum of \$15,000 or until compliance is achieved.

**CASE # 26 - 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 – 5/6/2020.

Respondent was not present.

Mr. Jones stated the Inspector has had no contact and no progress has been made. He stated he is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

**DISPOSITION:** Mr. Riggio imposed a fine in the amount of \$100 dollars per day, effective August 24, 2021, to a maximum of \$15,000 or until compliance is achieved.

**CASE # 27 - 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.

Respondent was not present.

Mr. Jones stated he has had contact with the Respondent and an inspection was held on August 17<sup>th</sup>. He stated the inspection failed and 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 September 22, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 28 - 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.

Respondent was not present.

Mr. Jones stated he has had no contact and re-inspection has not been scheduled. He stated he is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

**DISPOSITION:** Mr. Riggio imposed a fine in the amount of \$100 dollars per day, effective August 24, 2021, to a maximum of \$15,000 or until compliance is achieved.

**CASE # 29 - 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.

Respondent was not present.

Inspector Steven Cole stated he has had contact with the Respondent and needs inspection. 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 September 22, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 30 - 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.

Inspector Steven Cole stated he has had contact with the Respondent and needs a rental inspection. 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 September 22, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 31 - 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. Adeyami Abel, purchaser, came forward and was sworn in. He stated he offered the Inspector the opportunity for inspection but he had no progress. He stated the inspector told him he was not the owner.

Inspector Cole stated he told Mr. Abel that he needed to correct the title chain so that he shows on the Volusia Property Appraiser's site and show evidence he is the owner and then he can do the inspection.

Mr. Jackson confirmed and stated that the County's website shows that Barbara Lamb is the owner of the property.

There was discussion regarding adverse possession and how Mr. Abel purchased the property.

Mr. Riggio stated he would amend for one month to allow Mr. Abel to speak to the Property Appraiser and request that his quit-claim deed reflect that he is the owner.

Mr. Jackson stated they are requesting a fine.

**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 fine up to \$1,000 per day.

**CASE # 43 - 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 came forward and was sworn in.

Inspector Cole stated he has done what he can and is waiting for the tenant to be out.

Mr. Dunbar stated the tenant should be out shortly and then he will call an electrician.

Inspector Cole 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 September 22, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 37 - 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.

Mr. Randy Gray, elected representative of the family, came forward and was sworn in.

Inspector Cole stated at the re-inspection everything was corrected except the windows and he is requesting to amend to the next cutoff for Compliance.

Mr. Gray stated he is expecting the windows in 6-8 weeks and stated the company has pulled the permit. He stated he has a receipt where he paid.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by October 20, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 39 - 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.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/29/2020.

Inspector Cole stated he re-inspected the property on August 19 and all repairs have been made except the windows.

Mr. Gray stated they were standard size windows.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by October 20, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 32 - 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 had contact with the Respondent and conducted an inspection on August 20. He stated he is requesting 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 September 22, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 33 - 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).**

Inspector Cole stated he had contact with the Respondent and conducted an inspection on August 20. He stated he is requesting 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 September 22, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 34 - 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.

Inspector Cole stated he had contact with the Respondent and conducted an inspection on August 20. He stated he is requesting 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 September 22, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 35 - 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.

Inspector Cole stated he had contact with the Respondent and conducted an inspection on August 20 and has minor repairs to make. He stated he is requesting 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 September 22, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 40 - 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 has been received. He stated he is requesting a fine in the amount of \$100 to a maximum of \$15,000.

Mr. Riggio asked if the property is occupied.

Inspector Cole stated he believes it is occupied.

**DISPOSITION:** Mr. Riggio imposed a fine in the amount of \$100 dollars per day, effective August 24, 2021, to a maximum of \$15,000 or until compliance is achieved.

**CASE # 41 - 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 had contact on July 27<sup>th</sup> but no re-inspection has been scheduled and no progress has been made. He stated he is requesting a fine in the amount of \$100 to a maximum of \$15,000.

**DISPOSITION:** Mr. Riggio imposed a fine in the amount of \$100 dollars per day, effective August 24, 2021, to a maximum of \$15,000 or until compliance is achieved.

**CASE # 42 - 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 had contact with the owner on August 11<sup>th</sup> and sent a list of the remaining violations. He stated there has been no re-inspection scheduled and he is requesting a fine in the amount of \$100 to a maximum of \$15,000.

**DISPOSITION:** Mr. Riggio imposed a fine in the amount of \$100 dollars per day, effective August 24, 2021, to a maximum of \$15,000 or until compliance is achieved.

The morning session was adjourned at 11:43 a.m.

Mr. Riggio called the afternoon session to order at 1:05 p.m.

Inspector Clifford W. Recanzone III was sworn in.

**CASE # 44 - RTL 08-21-192 - Lindsey M Shafer** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **245 Morningside 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 – 8/4/2021.

Ms. Lindsey M Shafer came forward and was sworn in.

Inspector Recanzone stated the case is here for a short-term rental in a zoning district where it is not allowed and indicated the area on the map displayed on the video screens. He stated he

found the notice on August 4<sup>th</sup> and the advertising remained until August 16<sup>th</sup>. He stated the Respondent was still advertising the property when he last checked on August 23<sup>rd</sup>. He stated there are 6 reviews on the property starting July 5 through August 1 and displays a rate of \$189 per night. He stated the advertising states the check-in time is 4 p.m. and check-out time is 10 a.m. He stated he is requesting the violation be found irreparable and irreversible and that a fine be imposed in the amount of \$15,000.

Mr. Riggio confirmed that the inspector checked the listing and it was still up yesterday and asked if he had any contact with the Respondent.

Inspector Recanzone stated the listing was removed last night.

Mr. Anthony Jackson, Assistant City Attorney, stated his arguments as to why this violation is irreparable and irreversible and requested a fine in the amount of \$15,000.

Ms. Shafer stated she changed the listing to a long term rental. She stated there is sometimes a delay on when reviews are written. She stated she has applied for a rental license and is waiting for inspection.

Mr. Riggio asked if the notice sent on August 4<sup>th</sup> was received.

Ms. Shafer stated she did not receive it.

Inspector Recanzone stated he posted the property and City hall and sent certified mail and regular mail to the Respondent.

Mr. Jackson stated posting the property is a lawful way of notification.

Mr. Recanzone stated the Respondent has a ring doorbell and he posted the notice in front of the doorbell. He stated the notice contains Cease and Desist in red letters.

**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 and the property is now in Compliance as of August 24, 2021. He ordered that a one-time fine in the amount of \$15,000 be imposed and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

**CASE # 45 - RTL 08-21-193 - Denise M Kennedy** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **517 Earl St.** 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 – 8/4/2021.

Ms. Kayla Hathaway, attorney, came forward.

Inspector Recanzone stated the case is here for violation of short-term rentals in zoning area "RP" where it is not allowed and displayed the map showing the designation of the district. He stated he first noticed the Respondent on August 4<sup>th</sup> and as of August 9<sup>th</sup>, the listing was no longer advertising. He stated on August 4<sup>th</sup> there were 5 reviews and the property was listed at \$250 per night. He stated the advertising states check-in time is 3 p.m. and check-out time is

11 a.m. He stated he is asking that the violation be found as irreparable and irreversible and that it was removed right away so he is asking for a fine in the amount of \$1000. He stated he does not work on Fridays and the weekends and the 9<sup>th</sup> was his first day back.

Ms. Hathaway waived repetition of Mr. Jackson irreparable and irreversible argument.

Ms. Hathaway stated she agreed with the testimony and that her client had taken the listing down immediately upon notification.

**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 and the property is now in Compliance as of August 9, 2021. He ordered that a one-time fine in the amount of \$1,000 be imposed 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 08-21-194 - Christopher Stout & Jean A Stout** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **115 Palm Dr.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 8/4/2021.

Mr. Christopher Stout appeared via Zoom and was sworn in.

Inspector Recanzone stated the case is here for a short-term rental violation and displayed the map with the zoning district where it is not allowed. He stated he noticed the property on August 4, 2021 and it had 4 reviews. He stated the property is listed for \$59 per night and check out time is 3 p.m. and check out time is 10 a.m. which includes self-checkout with a keypad. He stated the violation is irreparable and irreversible and that the advertisement was removed right away. He stated he is requesting a one-time fine in the amount of \$1,000.

Mr. Stout stated they removed the listing the evening of the 4<sup>th</sup> and that it had been his mother's place and they were just trying to make ends meet.

**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 and the property is now in Compliance as of August 9, 2021. He ordered that a one-time fine in the amount of \$1,000 be imposed 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 08-21-195 - Leanne F Helmes** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **131 S Hollywood Ave.** Violation(s) – Zoning violation - the property is zoned RDB6. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 8/4/2021.

Ms. Leanne Helmes attended via Zoom and was sworn in.

Inspector Recanzone stated the property is located in zoning district RDB6 and this district is not zoned for short term rentals. He stated the Respondent was first noticed on August 4<sup>th</sup> and was no longer advertising on August 9<sup>th</sup>. He stated there were 6 reviews with a daily rates of \$113. He stated the advertising reflects that check out time is 4 pm and check in time is 10 am with a

keypad. He stated since the advertising was removed immediately he is requesting a one-time fine in the amount of \$1000.

Ms. Helmes stated as soon as she was made aware, she took the listing down. She stated they purchased the property for her daughter and would not have advertised it if she was aware that it was not allowed.

Mr. Jackson repeated his irreparable and irreversible argument.

**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 and the property is now in Compliance as of August 9, 2021. He ordered that a one-time fine in the amount of \$1,000 be imposed 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 08-21-196 - Dominick & Julia A Audi** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **600 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 – 8/4/2021.

Dominick and Julia Audi appeared via Zoom and were sworn in.

Inspector Recanzone stated the property is zoned SFR-5 and short-term rentals are not allowed in this zoning district. He stated the Respondent was first noticed on August 4<sup>th</sup> and on August 9<sup>th</sup> it was no longer being advertised on Airbnb. He stated there were 4 reviews from June and the rate listed was \$95 a night. He stated checkout time was 3 p.m. and check in time was 11 a.m. He stated there is a lockbox at the property. He stated he is requesting a one-time fine in the amount of \$1000 be imposed for irreparable and irreversible violations.

Ms. Audi stated she did not need Mr. Jackson to repeat his irreparable and irreversible argument. She stated they live in New York and were notified of the posting by their lawn service. She stated she cancelled everything. She stated she thought they were ok and had paid taxes to the City and the County. She stated she had a maximum of 2 guest for all stays. She stated she thought they were in the correct zone and they only rented the property when they were there.

Captain Lee stated that on Airbnb they do not identify the exact location of the property.

**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 and the property is now in Compliance as of August 9, 2021. He ordered that a one-time fine in the amount of \$1,000 be imposed 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 the Miscellaneous Business case.

**RTL 07-21-136 – 518 Hillside Ave - Lynn Rawson** 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 SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 6/14/2021. **Order Imposing Fine/Lien for a one-time fine**

**in the amount of \$15,000 on July 27, 2021. Amount due - \$15,000 plus \$24 recording fees = \$15,024.00.**

Ms. Rawson appeared via Zoom and was sworn in.

Inspector Recanzone stated the Respondent was notified on June 14<sup>th</sup>. He stated the property was posted and sent certified and first class mail.

Ms. Rawson stated she was contacted by a neighbor who took a picture of the Notice on the 14<sup>th</sup>. She stated she tried to contact the inspector but was not able to so she went on the City's website and decided to change the listing to 6 months for long-term rental.

Mr. Jackson stated the Respondent did not apply for a Rental License to rent long-term and went from an unlawful use for short-term rental to an unlawful use for long-term without a license.

There was discussion as to when calls were made to Inspector Recanzone, his availability during that time and reference to the Respondent's submitted call log. Captain Lee stated there are gaps in the Respondent's attempts and she stated she was calling other rental agencies.

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

The meeting was adjourned at 3:00 p.m.