

---

---

# City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

---

---

## September 28, 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. Steven Cole, Rental Inspector

Mr. Kevin Yates, Code 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 9:06 a.m. and announced the procedure for the meeting. He asked if there had been any requests to move forward on the agenda and there were none. He announced that there would be no October 26<sup>th</sup> meeting and that the next cutoff for Compliance will be November 17, 2021.

Mr. Riggio approved the minutes for the August 24, 2021.

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

Ms. Barnes announced the following case is withdrawn.

**CASE # 1 - RTL 09-21-197 - HSAHP LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **104 Claire Terrace**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/13/2021.

***Withdrawn***

Ms. Barnes announced the following cases in Compliance.

**CASE # 4 - RTL 09-21-209 - Harold V Lucas Jr TR** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1053 Peter Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/22/2020.

***Compliance 9-27-2021***

**CASE # 19 - 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.

***Compliance 9-17-2021***

**CASE # 22 - RTL 03-21-66 - John L Dunbar** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **732 Edwards St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/15/2020.

***Compliance 9-24-2021***

**CASE # 26 - 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.

***Compliance 9-27-2021***

**CASE # 27 - 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.

***Compliance 9-27-2021***

**CASE # 28 - 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.

***Compliance 9-27-2021***

**CASE # 33 - 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.

***Compliance 9-24-2021***

**CASE # 34 - 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.

***Compliance 9-22-2021***

**CASE # 35 - 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.

***Compliance 9-24-2021***

**CASE # 37 - 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.

***Compliance 9-23-2021***

Mr. Riggio called the first new case.

**CASE # 2 - RTL 09-21-207 - Donald R & Annette M Emery** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **116 Sunrise Blvd & 2049 Blais Ave (Parcel ID 5316-18-00-1320).** Violation(s) – **Failure to obtain Rental License (RTL).** First Notified – 5/19/2021.

Mr. Donald Emery and Ms. Annette Emery came forward and were sworn in.

Inspector LaWanda Tomengo stated the case is for an unlicensed rental property. She stated they applied for the license and needs a use determination. She stated there is 1 parcel with 2 living structures. She stated she spoke with their attorney, Mr. McGregor yesterday and he plans to apply for the variance. She stated she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Riggio asked if the property is occupied.

Ms. Tomengo stated yes.

Ms. Emery stated Mr. McGregor told them to ask for 60 days to get the variance.

**DISPOSITION:** Mr. Riggio found the Respondents in Non-Compliance and ordered the Respondents to come into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 3 - RTL 09-21-208 - Kinsey Whaley** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **432 Marion St.** Violation(s) – **Failure to obtain Rental License (RTL).** First Notified – 11/18/2020.

Mr. Kinsey Whaley came forward and was sworn in.

Inspector Tomengo stated this case is for an unlicensed rental property. She stated she verified occupancy through a site visit. She stated the license fees are due and she has scheduled the inspection of October 15<sup>th</sup> at 11 a.m. and is asking for a finding of Non-Compliance and the November cutoff to come into Compliance.

Mr. Whaley stated that was no problem.

**DISPOSITION:** Mr. Riggio found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 5 - RTL 09-21-211 - CRM Properties LLC TR & Springwood Land Trust** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **938 W Millard Ct.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/29/2020.

Respondent was not present.

Inspector Steven Cole stated he has had communication with the Respondent and the last inspection was August 26<sup>th</sup>. He stated he is requesting a finding of Non-Compliance and the November cutoff to come into Compliance.

**DISPOSITION:** Mr. Riggio found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 6 - RTL 09-21-212 - CRM Properties LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **952 E Millard Ct.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/29/2020.

Respondent was not present.

Inspector Steven Cole stated he has had communication with the Respondent and the last inspection was August 26<sup>th</sup>. He stated he is requesting a finding of Non-Compliance and the November cutoff to come into Compliance.

**DISPOSITION:** Mr. Riggio found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 7 - RTL 09-21-214 - JNG Property Group LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **571 Fairmount Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/27/2020.

Respondent was not present.

Inspector Steven Cole stated the last inspection was August 26<sup>th</sup> and the property was vacant. He stated he has had contact with the Respondent and is requesting a finding of Non-Compliance and the November cutoff to come into Compliance.

Mr. Riggio asked if the Respondent has signed an affidavit not to rent.

Inspector Cole stated the Respondent has not made a decision whether to sell or rent the property.

**DISPOSITION:** Mr. Riggio found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 8 - RTL 09-21-215 - JNG Property Group LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1309 3rd St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/27/2020.

Respondent was not present.

Inspector Steven Cole stated the property was last inspected on August 26<sup>th</sup> and is requesting a finding of Non-Compliance and the November cutoff to come into Compliance.

**DISPOSITION:** Mr. Riggio found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 9 - RTL 09-21-217 - Uzair Shuja** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1129 Hillcrest Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/16/2021.

Respondent was not present.

Inspector Steven Cole stated he is requesting a finding of Non-Compliance and the November cutoff to come into Compliance.

**DISPOSITION:** Mr. Riggio found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day.

Mr. Riggio called the first returning case.

**CASE # 10 - 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.

Inspector Kevin Yates stated he has had contact with the owner and the first inspection was held. He stated the property is occupied and would like to extend to the November cutoff to complete the repairs.

Ms. Bertalli stated she received the permit for the fence. It had been completed yesterday.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 11 - 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.

Mr. Carlus Marchbanks, owner and Mr. Thomas Huger, contractor, came forward and were sworn in.

Inspector Yates stated he had contact with the owner but there has been no inspection on the property. He stated the property is occupied and is asking for a fine in the amount of \$100 to a maximum of \$15,000.

Mr. Marchbanks stated he hired a handyman and repairs are complete. He stated it is all ready for inspection. He stated before he schedules the inspections he hired a General Contractor to go over everything.

Mr. Riggio asked what the outstanding problems are.

Inspector Yates listed the violations and stated he has not seen progress.

Mr. Riggio asked about GFCI corrections.

Mr. Marchbanks stated it has been corrected.

Mr. Riggio asked if the Respondent hired an electrician.

Mr. Marchbanks stated it just shorted out.

Mr. Yates stated the work needs to be done by a licensed electrician.

Mr. Riggio stated the Respondent swore under oath that everything was all taken care of.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 12 - 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.

Inspector Yates stated he has had contact but no inspection has been scheduled. He stated the property is occupied and he is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Marchbanks stated the handyman he hired to take care of repairs has not returned so he hired Mr. Huger. He stated he relied on people that were not reliable.

Mr. Riggio asked if there were issues with the tenants on this property.

Mr. Marchbanks stated they are not paying. He stated on 4 of his properties there are 2 tenants that have not paid and one changed the locks on the property.

Mr. Yates asked the Respondent what progress had been made on the last 30 days.

Mr. Marchbanks stated the handyman fixed the smoke detectors and lights.

Assistant City Attorney, Anthony Jackson, asked Mr. Huger if he was full on board.

Mr. Huger stated yes.

Captain Lee stated the case was here a month ago and the Respondent was given an additional month but there has been limited progress.

Mr. Huger stated he can have the work done in 60 days.

Captain Lee reluctantly agreed to “one more bite at the apple”.

Mr. Riggio stated there will be no discussion regarding additional time at the next meeting.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 13- 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 Yates stated he has had contact with the Respondent and the repairs have not been made. He stated there has been no inspection and the property is occupied.

Mr. Riggio asked if there were serious violations.

Inspector Yates stated on the previous inspection he was not able to enter the master bedroom and there were other minor issues.

Mr. Huger stated they applied for a fence permit which was installed by a previous owner.

Mr. Marchbanks stated smoke detectors and screens have been fixed and this is a cooperative tenant. He stated the tenant does not live alone and has children and put a lock on his bedroom door so that they cannot get in.

Captain Lee confirmed the fence permit was filed and agreed to give the Respondents until the next cutoff.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 14 - 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.

Inspector Yates stated he has had contact with the respondent but no inspection has been scheduled. He stated the property is occupied and is asking for a fine in the amount of \$100 to a maximum of \$15,000. He listed the violations remaining on the property.

Mr. Marchbanks stated this property has a lot more work than other properties. He stated the fence was there when he purchased the property and the tenants owe him \$9,100. He stated they plan to rehab and sell the property.

Mr. Huger stated he has not been in the property but understands the scope of work.

Mr. Marchbanks stated he offered the tenants \$1,500 to leave and they don't want to leave.

Captain Lee agreed to amend to the November cutoff.

Mr. Jackson stated if the case comes back in November to bring records of what has been done, including any offer made.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 15 - 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.

Inspector Yates stated he has had contact with the Respondent but no inspection. He stated the property is occupied and requesting a fine in the amount of \$100 to a maximum of \$15,000. He listed the violations remaining on the property.

Mr. Marchbanks stated this is a good tenant.

Mr. Riggio asked Mr. Huger if he had been in the unit and knows what the violations are.

Captain Lee stated they are minor things that need to just get done.

Mr. Huger stated he would have the repairs done in 30 days.

Captain Lee stated he would offer the Respondent 20 days to effect the repairs. Inspector Yates stated he has had contact with the respondent but no inspection has been scheduled. He stated the property is occupied and is asking for a fine in the amount of \$100 to a maximum of \$15,000. He listed the violations remaining on the property.

Mr. Marchbanks stated this property has a lot more work than other properties. He stated the fence was there when he purchased the property and the tenants owe him \$9,100. He stated they plan to rehab and sell the property.

Mr. Huger stated he has not been in the property but understands the scope of work.

Mr. Marchbanks stated he offered the tenants \$1,500 to leave and they don't want to leave.

Captain Lee agreed to amend to the November cutoff.

Mr. Jackson stated if the case comes back in November to bring records of what has been done, including any offer made.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by October 19, 2021 or a fine in the amount of \$100 per day will automatically be imposed until the fine reaches a maximum of \$15,000 or the property comes into Compliance.

**CASE # 16 - 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.

Inspector Yates stated he has had contact with the Respondent but no inspection has been scheduled. He stated the property is occupied and he is requesting a fine in the amount of \$100 to a maximum of \$15000.

Mr. Marchbanks stated the tenants have not paid since December and they have been there for 2 ½ years. He stated he would repair and sell this property.

Captain Lee stated there are serious issues on this property and is requesting the fine in this case.

Mr. Riggio asked if the picture of the bathroom was mold.

Inspector Yates stated he could not attest to it being mold but there is a leak in the bathroom.

Mr. Marchbanks stated he was filing an eviction today and that he cannot get into this property. He asked if he could do the outside repairs now and the inside once the tenants have been evicted.

**DISPOSITION:** Mr. Riggio imposed a fine in the amount of \$100 dollars per day, effective September 28, 2021, to a maximum of \$15,000 or until compliance is achieved.

**CASE # 17 - 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.

Inspector Yates stated he has had no contact with the Respondent and no inspection has been scheduled. He stated the property is occupied and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000. He named the violations still existing.

Mr. McCrary stated Inspector Cole did the last inspection.

Inspector Cole stated he performed the inspection while Inspector Yates was out on medical leave.

Mr. McCrary stated that the screens are done.

Inspector Cole stated that there were missing screens at the property and he has had no contact for re-inspection.

Denzil Sykes, Neighborhood Services Manager, asked the Respondent if the property was ready for inspection.

Mr. McCrary stated yes.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 18 - 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.

Inspector Cole stated he went to the inspection but they were not able access the property.

Mr. McCrary stated the tenant works 7-11 and has a daughter under the age of 15 so he does not enter the property when she is there alone. He stated he would re-schedule the inspection for next week.

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

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 20 - 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 received an email from the Respondent and the windows are delayed until November 30<sup>th</sup>. He stated the property is occupied and he is requesting to amend to the January cutoff.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by January 19, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 21 - 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.

Respondent was not present.

Inspector Cole stated this is a case of adverse possession. He stated there has been no progress and is requesting a fine in the amount of \$100 to a maximum of \$15,000.

Mr. Jackson stated Mr. Abel has not met the time periods required and provided information that the property was abandoned by the family.

Mr. Riggio stated he believes a greater fine is in order for operating outside the system and renting without a license.

Mr. Jackson stated the property is being rented and is unregulated and uninspected.

**DISPOSITION:** Mr. Riggio imposed a fine in the amount of \$200 dollars per day, effective September 28, 2021, to a maximum of \$15,000 or until compliance is achieved.

**CASE # 23 - 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 Cole stated he has had contact and the license is on file but no inspection has been scheduled. He stated he is requesting Compliance by the November cutoff date.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 24 - 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.

Mr. Henry Hill, Property Manager, came forward and was sworn in.

Inspector Cole stated he needs to schedule the inspection. He stated he is requesting amend to the November cutoff.

Mr. Hill stated he spoke to Inspector Cole immediately to schedule the inspection.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 25 - 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.

Bonnie Boyd came forward and was sworn in.

Inspector Cole stated he has had contact with the owner and at the second inspection, there was 1 thing left which are window parts. He stated he is requesting to amend to the November cutoff.

Ms. Boyd agreed.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 29 - 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 she spoke to the owner yesterday and they are ready for inspection on September 29<sup>th</sup>. She stated she is requesting an auto-fine of \$100 to a maximum of \$15,000 if not in Compliance at that inspection. She stated the initial inspection was held on January 15<sup>th</sup> 2021.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by September 30, 2021 or a fine in the amount of \$100 per day will automatically be imposed until the fine reaches a maximum of \$15,000 or the property comes into Compliance.

**CASE # 30 - 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 she has had multiple contacts with the Respondent who has sent her an email update from Bathfitters. She stated the installation was halted by an interruption in utilities last Thursday and she had not re-installation date set. She stated she is requesting to amend to the next cutoff.

Ms. Singler stated the re-installation has been rescheduled for October 29<sup>th</sup> at 7:00 a.m.

Inspector Tomengo stated the property is occupied.

Ms. Singler stated she was having an issue with the tenants taking down the smoke detectors.

Mr. Riggio stated she might be able to write that in her lease.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 31 - 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 she has had no contact with the Respondent and the property does not appear occupied. She stated No Trespassing signs have been posted. She stated she is asking for 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 September 28, 2021, to a maximum of \$15,000 or until compliance is achieved.

**CASE # 32 - 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.

Mr. Jaspreet Sodhi, brother of the owner, appeared via Zoom and was sworn in. He stated he has permission to appear on his brother's behalf in this matter.

Inspector Tomengo stated she has had contact with the Respondent but no re-inspection has taken place. She stated there was a delay in scheduling contractor services for screens. She stated she received a copy of the email which stated it would be 4-6 weeks and Miller Screen in Port Orange is performing the work.

Mr. Sodhi stated they have completed every other thing.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 36 - 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.

Ms. Marie Catul appeared via Zoom and was sworn in.

Inspector Tomengo stated she has had contact with the Respondent by phone and email. She stated the owner has initiated eviction of the tenants. She stated they have done some of the exterior painting but had no re-inspection. She stated she has done no re-inspection on the interior. She stated she would like to amend to the next cutoff for the repairs and eviction to be completed.

Ms. Catul stated the tenants refuse to move out or pay.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by November 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 38 - 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.

Ms. Stacia Bielecki, Property Manager, came forward and was sworn in.

Inspector Tomengo stated the property owners failed to put the information on Sunbiz. She stated there has been no rental inspection conducted. She stated the eviction notice document it is not executed or signed and she is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

Ms. Bielecki requested an extension. She stated there has been a squatter on the property for over a year and she had only been recently hired as the Property Manager as of December 2020. She stated when they took over, they had no keys, no lease. She stated they had served multiple 3 day notices and a Notice of Non-Renewal. She stated she spoke to an attorney and told her she needed to file the Notice of Non-Renewal and will file the Notice of Eviction on October 1<sup>st</sup>.

Inspector Tomengo stated she had no contact with anyone until Friday.

Captain Lee asked the Respondent if they contacted Law Enforcement about the squatter?

Ms. Bielecki stated the tenant provided proof of COVID.

Inspector Tomengo stated the tenant told her he could not contact the Property Manager.

Ms. Bielecki stated the eviction could take up to 90 days.

**DISPOSITION:** Mr. Riggio imposed a fine in the amount of \$100 dollars per day, effective September 28, 2021, to a maximum of \$15,000 or until compliance is achieved.

The morning session was adjourned at 11:20 a.m.

Mr. Riggio called the afternoon session to order at 1:08 p.m.

Inspector Clifford W. Recanzzone III was sworn in. Inspector LaWanda Tomengo was re-sworn in from the morning session.

**CASE #39 - RTL 09-21-202 - David & Laurie B Gigliotti** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **123 Flamingo 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 – 8/24/2021.

Ms. Laurie Gigliotti came forward and was sworn in.

Inspector Recanzone stated the property is located in zoning district SFR-5 and short term rentals, also known as other accommodations are not allowed in this zoning district. He stated Notice was given on August 24<sup>th</sup>. He stated the advertising was found online at a nightly rate. He stated he has not seen any advertising since shortly after the posting. He stated a previous case began on February 14, 2021 where a complaint was filed for not having a rental license. He stated the Rental inspector made contact with the property owner who signed an affidavit on June 11, 2021 stating it was family property and he would not rent the property. He stated by signing the affidavit, the owner acknowledged that he could not rent the property without first applying for a license or he would be back in violation. He stated he found the property on August 24<sup>th</sup> on Airbnb with the nightly rate, rules and 5 reviews for the month of July and 1 for August. He stated the owner has not applied for a rental license, the violation is irreparable and irreversible and the city is requesting a one-time fine in the amount of \$10,000. Inspector Recanzone gave the Magistrate a copy of the sworn affidavit.

Inspector Tomengo stated she received a complaint that the property was being rented without a license. She stated Mr. Gigliotti told her the property was not a rental property and was occupied by family and that he could present utility documents in his name. She stated she received the utility documents and the affidavit and closed her case on June 11, 2021.

Mr. Riggio asked Inspector Tomengo if she had discussed the Rental license requirements with the Respondent and she stated yes.

Mr. Jackson asked the Respondent if she would like him to repeat the City's Irreparable and Irreversible argument and she declined.

Ms. Gigliotti stated they owned the property for many years and it was used by family. She stated her son lives there and the utilities are in their name. She stated they are close to the Ocean Center and rented the property in July but not in August. She stated they took the listing down on August 24<sup>th</sup>.

**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 25, 2021. He ordered that a one-time fine in the amount of \$10,000 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 # 40 - RTL 09-21-216 - Mary K Lichtenwalter** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1910 Marilyn St.** 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 – 8/30/2021.

Mr. Bernard Dowling, boyfriend of Ms. Lichtenwalter, appeared via Zoom and was sworn in.

Inspector Recanzone stated that he found the listing online on August 31<sup>st</sup> and posted the property. He stated he has not seen the listing since. He stated the property was listed for \$57 per night and check out is after 3. He stated there were 19 reviews in July and August and is requesting a fine in the amount of \$1,000.

Mr. Riggio asked the platform where the inspector found the advertisement.

Inspector Recanzone stated Airbnb.

Mr. Jackson asked Mr. Dowling if he would like him to repeat the City's argument as to why this violation is irreparable and irreversible.

Mr. Dowling stated he heard it. He stated the property was purchased about a year ago and they tried it without knowing the codes and after they received the notice, they shut 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 and the property is now in Compliance as of August 31, 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 # 41 - RTL 09-21-201 - Joseph M & Kimberly A Fisher** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **321 Seaview 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 – 8/12/2021.

Mr. Joseph Fisher and Ms. Kimberly Fisher appeared via Zoom and were sworn in.

Inspector Recanzone stated the property is located in the SFR-5 zoning district and short term rentals are not allowed in that district. He stated he found the listing online on August 12 on VRBO. He stated there has been no advertising since he posted the property on August 12<sup>th</sup>. He stated the advertising had a nightly rate of #225 and check in after 4 and check out before 11. He stated there are 3 reviews in July and 1 in August and he is asking for a finding or irreparable and irreversible and a fine in the amount of \$1,000.

Ms. Fisher stated she was not sure of the date of the ban. She stated there is no ban in St. Johns County where they live. She stated they purchased the home as a vacation property. She stated the realtor told them it was allowable. She stated she should have researched further. She stated they deactivated the account and cancelled 4 bookings.

Mr. Jackson stated it was always prohibited here in certain districts. He stated increased enforcement has occurred.

**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 13, 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 # 42 - RTL 09-21-199 - Ella Lockett** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **208 Fountain Lake Blvd**. Violation(s) – Zoning violation - the property is zoned PD-G. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 8/10/2021.

Ms. Catina Jackson Lewis came forward and was sworn in. She stated she is the Property Manager.

Inspector Recanzone stated he found the violation advertised online on August 10<sup>th</sup> for \$75 per night. He stated the check-in time was after 4 and check-out was before 11. He stated there were 3 reviews and he has not seen the posting since.

Ms. Lewis stated the property was rented to traveling nurses from out of state.

**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 11, 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 a recess at 2:53 p.m. and the meeting resumed at 2:55 p.m.

**CASE # 43 - RTL 09-21-204 - Sofia Ingel** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1720 N Atlantic 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 – 8/26/2021.

Ms. Sofia Ingel appeared via Zoom and was sworn in.

Inspector Recanzone stated the property is zoned SFR-5 and short-term rentals are not allowed in this zoning district. He stated he first noticed the property on August 26<sup>th</sup> and posted it. He stated the property was advertised at \$170 per night and had 12 reviews. He stated he has seen no activity since the posting. He stated he is asking for a fine in the amount of \$1,000.

Mr. Jackson asked the Respondent if she would like him to repeat his argument for irreparable and irreversible and Ms. Ingel stated no.

Ms. Ingel stated she did not get the notice and there was discussion regarding her having a hard time getting her mail. She stated she removed the listing as soon as she was notified.

**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 27, 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 # 44 - RTL 09-21-198 - Sharon A Faith & Raymond M Amatucci** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **164 E Baywood Ct.** Violation(s) – Zoning violation - the property is zoned PD-G. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 8/24/2021.

Ms. Sharon Faith and Mr. Raymond Amatucci came forward and were sworn in.

Inspector Recanzone stated the property is zoned PD-G and short-term rentals are not permitted. He stated he found the property online on August 16 advertised at \$170 per night. He stated check-in time was after 3 pm and check out before 11 a.m. He stated there were 12 reviews. He stated it was taken down quickly and is asking for a fine in the amount of \$1000.

Mr. Jackson asked the Respondent if they would like him to repeat the City's Irreparable and Irreversible argument and Ms. Faith stated no.

Ms. Faith stated they were told by Sunrise Property management that it was ok and they relied on him so the violation was unintended on their side.

**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 17, 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 # 45 - RTL 09-21-200 - Melody Anne Malloy, Trustee of the GMB Trust** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1502 Ocean Dunes Ter.** 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 – 8/11/2021.

Mr. Jim Pickens, attorney to the GMB Trust came forward. Mr. Jack Bond, attorney for the Trustee, Ms. Malloy appeared via Zoom.

Inspector Recanzone stated the property is located in zoning district SFR-5 and short-term rentals are not allowed in this zoning district. He stated he found the listing online on August 11<sup>th</sup> and has found no advertising since then. He stated the property is listed for \$373 per night, check-in time is after 4 and check out time is before 11. He stated there were 8 reviews. He stated he is requesting a finding of irreparable and irreversible and a fine in the amount of \$1000.

Mr. Jackson explained the City's request for a finding of irreparable and irreversible.

Mr. Bond stated that his client is divorced from the property owner since 2015 and has resigned from the trust and he does not believe she should be responsible as she has no control over the property. He stated there was a failure to update the records for Volusia County which has since been done.

Mr. Jackson, Mr. Riggio and Mr. Pickens agreed that the trustee is not the responsible party.

Mr. Pickens stated that service to his client was deficient as it did not provide time for correction according to Florida Statute 163.06.

Mr. Jackson explained that time to comply is not required for a violation that is irreversible and irreparable. He stated the listing was removed the next day and the City is asking for a reduced fine of \$1,000.

**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 12, 2021. He ordered that a one-time fine in the amount of \$1,000 be imposed against GMB trust only 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 09-21-203 - William B & Lisa McCarthy** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1512 N Atlantic 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 – 8/25/2021.

Ms. Lisa McCarthy came forward and was sworn in.

Inspector Recanzone stated the property is located in SFR-5 zoning district and short-term rentals are not allowed. He stated the property was found on August 25, 2021. There has been no advertising since the posting. He stated the advertisement shows a rate of \$307 per night with a check in time after 3 pm and check out time of 10 and 2 reviews for the month of July. He stated he is asking for a finding of irreparable and irreversible and is asking for a fine in the amount of \$1000.

Mr. Jackson stated Ms. McCarthy is waiving him off as an indication she heard the irreparable and irreversible argument and is willing to stipulate.

Ms. McCarthy stated yes. She stated she had no clue.

**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 26, 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 09-21-205 - Marc A and Joanne L Reside** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **364 Morningside Ave**. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 8/19/2021.

Mr. Marc Reside came forward and were sworn in.

Inspector Recanzone stated the website showed a rate of \$88 per night and had 15 reviews. He stated he found the listing on August 19<sup>th</sup> and is requesting a fine in the amount of \$1000.

Mr. Reside stipulated to hearing Mr. Jackson's irreparable and irreversible argument and stated that he had nothing else 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 and the property is now in Compliance as of August 20, 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 09-21-206 - Kaoutar Bouadil & Jennifer Marie Loving** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **135 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 – 8/16/2021.

Mr. Bouadil Kaoutar came forward and was sworn in.

Inspector Recanzone stated the property was noticed on August 16<sup>th</sup>. He stated there has been no activity since the posting. He stated the website states that check in is after 4 and check out before 11. He said there are 36 reviews on the property and is asking for a finding if irreparable and irreversible and a fine in the amount of \$1,000.

Mr. Kaoular stipulated to Mr. Jackson's irreparable and irreversible argument and stated that he purchased the property last year and thought it was ok because there were other properties with Airbnb there. He stated he lives in the house and took the listing down on August 21<sup>st</sup>.

**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 17, 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 asked if there was any Miscellaneous Business.

Captain Lee reminded the Magistrate and staff that there would not be a December meeting.

The meeting was adjourned at 3:34 p.m.