
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

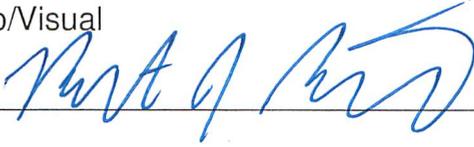
November 24, 2021 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Gary Glassman, Assistant City Attorney
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. Charles Smarr, Audio/Visual
Mr. Xavier Campbell, Audio/Visual

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 9:04 a.m. and announced the procedure for the meeting.

Mr. Riggio asked if there were any announcements.

Ms. Barnes announced the following cases in Compliance.

CASE # 10 - RTL 11-21-232 - Ramesh Yeluri & Krishna Yeluri TR is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **2326 Crescent Ridge Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/6/2021.

Compliance 11-17-2021

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.

Compliance 11-2-2021

Mr. Riggio approved the minutes for the September 28, 2021.

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

Mr. Riggio called the first new case.

CASE # 1 - RTL 11-21-241 - TRSTE LLC TR is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1308 Cadillac Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/11/2020.

Respondent was not present.

Inspector Steven Cole stated the case was opened May 5 and inspection was held on November 15th which failed. He stated he is requesting a Finding of Non-Compliance and next cutoff to come into Compliance.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 2 - RTL 11-21-242 - TRSTE LLC TR as Trustee of the Lenora Land Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **818 Lenora St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/11/2020.

Respondent was not present.

Inspector Cole stated the last inspection was October 26, 2021 and it failed. He stated he is requesting a Finding of Non-Compliance and next cutoff to come into Compliance.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 3 - RTL 11-21-243 - TRSTE LLC TR as trustee of the 455 Pleasant Street Land Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **455 Pleasant St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/27/2020.

Respondent was not present.

Inspector Cole stated the last inspection was October 26, 2021 and was not in Compliance. He stated the Respondents do not have a Rental License (RTL) and he is asking for a Finding of Non-Compliance and next cutoff to come into Compliance.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 4 - RTL 11-21-244 - TRSTE LLC TR as trustee of the 942 W Millard Court Land Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **942 W Millard Ct.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/11/2020.

Respondent was not present.

Inspector Cole stated the last inspection failed on October 26, 2021. He stated there is no Rental License on file and is requesting a Finding of Non-Compliance and next cutoff to come into Compliance.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 5 - RTL 11-21-246 - TRSTE LLC as Trustee for the 529 Arthur Ave Land Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **529 Arthur Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/11/2020.

Respondent was not present.

Inspector Cole stated there is no Rental License issued for the property and the owners failed the last inspection on October 26, 2021. He stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 6 - RTL 11-21-245 - Audrey Broxton is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **824 Derbyshire Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/21/2020.

Mr. Earl McCrary, Property Manager, came forward and was sworn in. He stated within 30 days, the owner will have her license.

Inspector Cole stated the case is here for failure to obtain a Rental License and he is asking for a Finding of Non-Compliance and next cutoff to come into Compliance.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 7 - RTL 11-21-229 - Gregory Bruce Reinhart & Matthew Ray Reinhart is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1365 Virginia Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/11/2020.

Mr. Matthew Reinhart came forward and was sworn in.

Inspector LaWanda Tomengo stated the owner applied for a Rental License but has had no inspection yet. She stated she has had contact and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Reinhart stated he did not know he needed a Rental License.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 8 - RTL 11-21-230 - GEA Seaside Investments Inc is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **23-25 S Peninsula Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/4/2020.

Respondent was not present.

Inspector Tomengo stated this is an unlicensed rental property. She stated the license had expired and the property is tenant occupied as of July 20, 2021. She stated she has had no contact with the Respondent and is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Riggio asked about notification.

Ms. Barnes stated the property was mailed certified and posted by the Inspector.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 9 - RTL 11-21-231 - Paratus Properties LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **221 Short St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/13/2021.

Mr. Jeffrey Janero, owner appeared via Zoom and Ms. Deanne Young, Property Manager, appeared in the Chamber. Both were sworn in.

Inspector Tomengo stated the owners have applied for a Rental License. She stated there was an inspection on June 17th and has outstanding violations including a window upstairs. She stated they provided her with a letter stating it would be installed in October.

Mr. Janero stated the window is on back order.

Ms. Tomengo stated she is requesting a Finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Janero stated he had nothing to add.

Mr. Riggio asked when he thinks the window will be replaced.

Mr. Janero stated he is optimistic it will be done before the next cutoff.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 11 - RTL 11-21-233 - Robert T Luznar & Betty Jane Luznar TR is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **131 Cottage Ln.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/20/2020.

Mr. John Luznar, son of the owners, came forward and was sworn in.

Inspector Tomengo stated the owners have applied for the license but there has been no inspection. She stated she has had communication that the tenants are moving by the end of the month and they want to rehab the property. She stated she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Luznar stated they have submitted 2 applications and submitted them as exhibits. There was discussion regarding the applications.

Mr. Riggio stated they need to have an inspection.

Mr. Luznar stated his mother did not want to have an inspection until after Thanksgiving.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 12 - RTL 11-21-234 - RE Equity Investment Group LLC & Juanny Paulino is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **505 5th Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/19/2021.

Mr. Johnathan Paulino and Ms. Juanny Paulino, owners, came forward and were sworn in.

Inspector Tomengo stated that an inspection was scheduled for October 8 and she received an email request on October 7 to cancel due to medical issues at the property. She stated she has received no follow-up and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Paulino stated his tenant had COVID and he is ready to schedule the inspection.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 13 - RTL 11-21-235 - RE Equity Investment Group LLC & Juanny Paulino is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **115 S Grandview.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/2/2021.

Inspector Tomengo stated the owners have applied for the Rental License. She stated two inspections failed and there has been no re-inspection scheduled. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Paulino stated they have completed the work. He stated the tenants took off the smoke detectors and laid them on the counter.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 14 - RTL 11-21-237 - Harold V Lucas Jr TR is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **2324 S Peninsula Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/16/2020.

Mr. Earl McCrary, Financial Advisor, came forward. He was previously sworn in. He stated he texted the Respondent to let him know he was at the hearing and received a text back saying to let the Magistrate know that he will come into Compliance within 30 days for both cases.

Inspector Tomengo stated the owner has applied for the license and the inspection failed. She stated she has been working with Mr. Darrell Lucas, the owner's son and on November 14th they were still working. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 15 - RTL 11-21-239 - Harold V Lucas Jr TR is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **300 Jefferson St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/16/2020.

Inspector Tomengo stated the owner has applied for the license and the inspection on July 16th failed. She stated she had communication with Darrell Lucas on November 15th and is asking for a Finding of Non-Compliance and next cutoff to come into Compliance.

Mr. McCrary stated no problem.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 16 - RTL 11-21-240 - Robert J & Rita I Van Winkel is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1600 Big Tree Rd #D8.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/7/2020.

Mr. Robert Van Winkel came forward and was sworn in.

Inspector Tomengo stated this is an unlicensed rental property. She stated the owner has applied for the license and she has tried to contact them twice to schedule the re-inspection. She stated an inspection was held on March 19th and no one answered the door. She stated re-inspection was scheduled for October 20th and the occupant declined to let her inspect. She stated the inspection was rescheduled for the 3rd time and was told the new issue is the tenant doesn't want to let anyone in. She stated the tenant is supposed to vacate on the 30th.

Mr. Riggio instructed the owner to let the inspector know if the property was not going to be in Compliance.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 17 - RTL 11-21-249 - Astor FLA LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **130 Flamingo Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/8/2021.

Mr. Jorge Oveido, Company Manager, appeared via Zoom and was sworn in.

Inspector Tomengo stated this is an unlicensed rental property. She stated the owner applied for the rental license and she conducted an inspection on May 14th which failed. She stated they have a window that needs to be repaired and she has had no contact regarding the status until November 9 when she received an updated sales contract. She stated she is asking for a Finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Oveido stated the windows have been received and are scheduled to be installed next week.

Mr. Riggio told the Respondent to let him know what the problems are if he is back in January and to get a letter from the window company.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 18 - RTL 11-21-250 - Realtime Fantasy Solutions LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **552 Pelican Bay Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/21/2021.

Respondent was not present.

Inspector Tomengo stated a previous inspector sent the First Notice and she re-notified the owner by posting on October 26, 2021. She stated the owners applied for a Rental License and inspection was completed on July 22 with failed results. She stated she has had no contact regarding the corrections but the maintenance guy advised her the windows were ordered.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CONTINUED CASES:

CASE # 19 - 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 Kevin Yates stated he has had contact with the respondent and the inspection failed. He stated he is requesting a fine in the amount of \$100 to a maximum of \$15,000.

DISPOSITION: The Special Magistrate imposed a fine in the amount of \$100 dollars per day, effective September 28, 2021, until compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 21 - 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.

Mr. Carlus Marchbanks came forward and was sworn in.

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

Mr. Marchbanks stated he has been unable to access the property due to tenants. He stated he has filed eviction and plans to get the permits and sell the property. He stated he would be willing to sign the Affidavit not to rent.

DISPOSITION: The Special Magistrate amended the current order of Non-Compliance and ordered the Respondent to bring the property into Compliance by December 7, 2021 or a fine in the amount of \$100 dollars per day, effective December 8, 2021 will automatically be imposed until compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 22 - 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 previously sworn in.

Inspector Yates stated he has had contact but the repairs are not complete. He stated he is asking for a fine in the amount of \$100 to a maximum of \$15,000.

Mr. McCrary stated he has done a lot of work but has a bathroom where the sink has slipped down about an inch and he is having it fixed.

Mr. Yates stated that the windows do not open and stay open.

Mr. McCrary stated he does not know how Mr. Yates knows this as Inspector Cole did the inspection. He stated he checked all of the windows himself.

DISPOSITION: The Special Magistrate amended the current order of Non-Compliance and ordered the Respondent to bring the property into Compliance by December 15, 2021 or a fine in the amount of \$100 dollars per day, effective December 16, 2021 will automatically be imposed until compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 23 - 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.

Mr. Earl McCrary came forward and was sworn in.

Inspector Cole stated that he has contact with the Respondent on October 25th and the property is occupied. He stated all repairs except for the bedroom window have been made.

Mr. McCrary stated the window is not a standard window and will take about 6-8 weeks to get the part. He showed the Magistrate the part and stated it is 17 inches.

Inspector Cole asked to amend the previous order to the January 19th cutoff.

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

Respondent was not present.

Inspector Cole stated he has had contact with the property Manager and the windows have been installed. He stated he is waiting for the permit to be finalized and is asking to amend to the next cutoff for Compliance.

DISPOSITION: The Special Magistrate 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 # 25 - 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.

Respondent was not present.

Inspector Cole stated he has had contact with the Property Manager and the property is occupied. He stated they have made progress with the windows and is waiting for the permit to be finalized. He stated he is asking to amend to the next cutoff.

DISPOSITION: The Special Magistrate 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 # 26 - 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 Cole stated he has had contact with the owner and the property is not occupied. He stated at inspection of November 5th, the property was not in Compliance and is asking to amend to the next cutoff for Compliance.

Mr. Riggio asked if the owners are aware they cannot rent until they are in Compliance.

Inspector Cole stated yes.

DISPOSITION: The Special Magistrate 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 # 27 - 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 Cole stated he has had no contact. He stated he made a site visit on October 12th and the property is occupied. He stated he is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

DISPOSITION: The Special Magistrate imposed a fine in the amount of \$100 per day, effective November 23, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

CASE # 28 - RTL 08-21-181 - Alexander Contreras is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **518 Cannon St.** 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 property is occupied. He stated he inspected the property and there are still some repairs that need to be made. He stated he is asking to amend to the next cutoff for Compliance.

Mr. Riggio asked if there were any life safety issues.

Inspector Cole stated that one bedroom is missing a smoke detector but there is a smoke detector right outside the bedroom.

DISPOSITION: The Special Magistrate 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 # 29 - 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 has had contact and inspected the property but it was not in Compliance. He stated the property is occupied and is asking for to amend to the next cutoff.

Mr. Hill stated he purchased the smoke detectors but the tenant came in contact with COVID. He stated he spoke to her Monday via text and they were installed.

DISPOSITION: The Special Magistrate 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 # 30 - 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 she conducted an inspection with failed results yesterday. She stated the previous inspection was July 26, 2019 and named the violations. She stated she is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

DISPOSITION: The Special Magistrate imposed a fine in the amount of \$100 per day, effective November 23, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

CASE # 31 - RTL 07-21-177 - 1505 Edgewater Road Land Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1505 Edgewater Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/9/2020.

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

Inspector Tomengo stated she has had contact and he sent her an updated proposal for windows with a December 6 & 7 installation date. She stated she is asking to amend to the next cutoff for Compliance.

Mr. Wade agreed.

DISPOSITION: The Special Magistrate 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 # 32 - 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. McGregor Love, attorney, came forward and was sworn in. He stated his clients have applied for the Rental License. He stated there are two addresses on a single parcel and has submitted a use determination letter for legal non-conforming and it is still being reviewed. He stated he is asking to amend to the next cutoff.

Inspector Tomengo stated she is requesting to amend to the next cutoff.

DISPOSITION: The Special Magistrate 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 # 33 - 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, came forward and was sworn in.

Inspector Tomengo stated she has been in contact with the owner, emailed him a list of items that needed to be corrected. She stated on November 10th the inspection failed due to only one working burner on the stove and missing 2nd story screens. She stated she is requesting a fine in the amount of \$100 to a maximum of \$15,000.

Mr. Sodhi stated he is managing the property himself and contractors refuse the job. He stated his monthly mortgage payments have gone up \$500. He stated he is selling the property through Expert Realty. He stated the renters are leaving by the end of December.

Inspector Tomengo stated the contractors came out to put in a replacement and the owner did not want to mess with the marble and wouldn't let them install it so the violations were not corrected.

DISPOSITION: The Special Magistrate imposed a fine in the amount of \$100 per day, effective November 23, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

Mr. Riggio called a recess at 10:57 a.m. The meeting resumed at 11:07 a.m.

LR-1 - RTL 05-21-114 – 2212 S Peninsula Dr - Michael J & Catherina A Garrity and George R & Tina M Wilcox is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/21/2021. **Order Imposing Fine-Lien of \$100 per day to a maximum of \$15,000 effective June 22, 2021. Compliance – September 30, 2021. Amount due - \$10,100 plus \$24 recording fees = \$11,124.00.**

Mr. Michael Garrity came forward and was sworn in. He stated he couldn't understand why he was fined. He stated his tenants didn't want them in due to COVID. He stated he had an inspection scheduled for June 8th and on June 5th he was helping his neighbor and fell off a

ladder trying to fix his pool enclosure and broke his hip. He stated when he got to his property, the guy did a terrible job and he had to re-do it.

Inspector Tomengo stated the case started on July 11, 2019 and she re-noticed him in February of 2021 and is asking for no reduction. She stated the owner failed inspection of July 24, 2019 and December 31, 2019. She stated Compliance came about by her prompting the Respondent. She stated she scheduled an inspection on June 9, 2021 and it was cancelled and then on 6/16, the property failed inspection. She stated there was no re-inspection for over a year and some violations were still outstanding from 2019.

Mr. Riggio told the Respondent that someone should have come to the hearing.

Mr. Glassman stated the Respondent received due process and was notified of the hearing.

DISPOSITION: Mr. Riggio denied reduction of the lien.

LR-2 - RTL 06-21-129 – 750 Mercedes Ave - Jermaine & Kiwani Patterson 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 – 5/10/2021. **Order Imposing Fine-Lien of \$100 per day to a maximum of \$15,000 effective August 24, 2021. Compliance – September 10, 2021. Amount due - \$1,700 plus \$24 recording fees = \$1,724.00.**

Mr. Jermaine Patterson came forward and was sworn in. He stated cost was to issue to him coming into Compliance.

Inspector Cole stated the City would be amiable to reducing the fine to \$250.

DISPOSITION: Mr. Riggio reduced the amount of the fine to \$250 payable within 30 days or the fine reverts back to the original amount.

LR-3 - RTL 06-21-130 – 415 N Halifax Ave #100 - Antoun Kassab 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 – 8/29/2020. **Order Imposing Fine-Lien of \$100 per day to a maximum of \$15,000 effective August 24, 2021. Compliance – September 2, 2021. Amount Due = \$900 plus \$24 recording fees = \$924.00.**

Mr. Essam Mgahed, Property Manager, came forward and was sworn in.

Ms. Barnes stated she had received an email from Mr. Kassab authorizing Mr. Mgahed to speak for him at the hearing.

Mr. Mgahed stated he took over management of the company when the owner was out of the country. He stated he sent the handyman to fix the issues and the tenant would not comply.

Inspector Cole stated the first inspection was on August 2020 which was more than a year and this is his first time at hearing. He stated the owner did say he was having issues with the tenant and he lives in Jacksonville.

Mr. Riggio stated the Respondent brought the property into Compliance within 9 days of the order of fine/lien.

Mr. Mgahed stated he called the inspector and told him he was out of the country from the first week of July to mid-August.

Mr. Riggio stated the hearing was in August.

DISPOSITION: Mr. Riggio denied reduction of the lien.

The morning session was recessed at 11:56 a.m.

The afternoon session was called to order at 1:00 p.m.

IRREPARABLE/IRREVERSIBLE

CASE # 34 - RTL 11-21-227 - 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 Accomodations" are not a permitted use in the zoning district. First Notified – 10/4/2021.

Mr. David Russell, attorney, appeared via Zoom.

Inspector Recanzone stated the violation is short term rental in an area zoned SFR-5 which does not allow them. He stated it is a repeat violation from September 28, 2021 (RTL-09-21-202). He stated the property was found in Non-Compliance and that the violation was irreparable and irreversible and fined \$10,000. He stated he first found the listing and notified the owner on October 4, 2021 and on October 5th, 2021 the listing was not active. He stated there were 8 reviews, the rate was \$300 per night and rules stated check in time is 3 p.m. and check out time is 12 p.m. He stated he is requesting a one-time fine in the amount of \$15,000.

Mr. Russell stated he understands the nature of the violation and that advertising constitutes a violation for the purpose of appeal.

Mr. Riggio stated that holding out is also a violation.

Mr. Russell stated the owner used the property for family when they came to visit and Airbnb was an ~~assessor~~ ^{ACCESSORY} use to maintain the property which is not a violation. He referred to the principle use table where short-term rentals are allowed and stated it was not the primary use of the property for the owner. He shared his screen with the court room and showed that the listing was deactivated in September but that he has other properties and did not want to delete the listing.

Mr. Glassman asked Mr. Russell if he is saying that the use of a property as defined on the Table can include other uses if on an infrequent basis?

Inspector Recanzone referred to the second violation of Section 5 which is the use table. He stated it shows what zones allow certain activities. He stated in SFR-5 short term rentals are

not allowed. He stated he viewed the listing on the website on October 4th and it was in public view.

Mr. Russell explained the difference is deleting the account and deactivating the account.

Mr. Glassman asked the Respondent who was at the property now.

Mr. Russell stated there is a guest from Kentucky here for a couple of weeks. He stated there is no rent or fees and they haven't rented in the past year.

Mr. Glassman read the reviews and stated Chad and Holly wrote how nice the property was.

Mr. Riggio asked if it was possible to have a use which the table does not provide.

Mr. Russell stated it prohibits short-term rentals but using it as a residence is considered accessory use.

Mr. Glassman stated the code is clear and other uses are not prohibited.

DISPOSITION: After hearing the arguments, the Special Magistrate found that this was a repeat violation and that 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 October 5, 2021. He ordered that a one-time fine in the amount of \$4,000 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 # 35 - RTL 11-21-247 - BEC Investment TR, Bruce E Courville TR, DTS Investment TR & Denise T Stone TR is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **336 Hartford 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 – 10/27/2021.

Mr. Arthur Huggins, attorney, came forward.

Mr. Glassman stated he received a letter asking for continuance.

There was discussion whether this was only for 330 Hartford or both properties.

Mr. Huggins stated he is ready to go forward and address Compliance.

Mr. Glassman stated he would prefer to continue to the January meeting.

DISPOSITION: The Special Magistrate continued the case to the January 25, 2022 meeting.

CASE # 36 - RTL 11-21-224 - Lazaro & Odalys Loureiro is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **2551 E Coral Way.** 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 – 9/29/2021.

Mr. Lazaro Loureiro came forward and was sworn in.

Inspector Recanzone stated the same property owner was found in Non-Compliance on September 28, 2021. He stated he found the property online on September 29th. He stated there have been 21 reviews since September 2020, the rate is listed as \$321 per night. He stated the owner used different views from the last listing, including putting in pictures of Miami ~~to~~ ^{to} disguise the location and he is requesting a one-time fine in the amount of \$15,000.

Mr. Loureiro stated the property is not listed for individual stays but long term rental.

Mr. Recanzone explained that this platform is designed for short-term rentals.

DISPOSITION: The Special Magistrate 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 September 30, 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 # 37 - RTL 11-21-222 - Joseph E Stephenson is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **609 Lenox 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 – 9/15/2021.

Mr. Joseph Stephenson 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 previously cited for this violation on March 26, 2018, case # CE2018-0478. He stated the owners removed the ad on August 10, 2018. He stated he found the listing on November 10, 2021 and on November 23, 2021 it is still active on Airbnb and furnished finders. He stated the daily rate is listed at \$145, the rules stated that check in time is 3 p.m. and check out time is 12 p.m. He stated the violation is irreparable and irreversible and he is requesting a one-time fine in the amount of \$15,000.

Mr. Stephenson stated he was renting for 6 months plus 1 day and that Mr. Recanzone explained the difference between transient and non-transient housing. He stated he would take down the listing within 1 day and it would be down by tomorrow.

DISPOSITION: The Special Magistrate 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 must come into Compliance by November 24, 2021. It was further 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 # 38 - RTL 11-21-220 - William D & Prudence A Giel is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **353 Auburn 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 – 9/13/2021.

William Giel came forward and was sworn in.

Inspector Recanzone stated this is a zoning violation. Short term rentals are not allowed in this zoning district. He stated he found the listing online on September 13th and was not active on September 14th. He stated there were 9 reviews from July through September. He stated the site lists the property at \$110 per night and rules state check in time is 3 p.m. and check out time is 10 a.m. He stated he is asking for a finding of Irreparable and Irreversible and a fine in the amount of \$1000.

Mr. Giel stated he is guilty and has a license and will be renting to Canadians from October to April.

Inspector Recanzone stated the Rental License expired in 2020.

DISPOSITION: The Special Magistrate found that this was a repeat violation and that 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 September 14, 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 # 39 - RTL 11-21-221 - Richard M & Rosanne M Lovecchio is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **114 Anita Ave.** Violation(s) – Zoning violation - the property is zoned M-1. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 9/14/2021.

Mr. Richard Lovecchio came forward and was sworn in.

Inspector Recanzone stated the property is zoned M-1. He stated he found the property online on September 14th and it was not active on September 15th. He stated there are 37 reviews in June and July with a daily rate of \$110. He stated the rules were listed with check in time of 2 p.m. and check out time of 11 a.m. He stated the violation is irreparable and irreversible and is asking for a one-time fine of \$1000.

Mr. Lovecchio stated he did not know.

Mr. Recanzone stated the redevelopment area is not zoned residential at all.

DISPOSITION: The Special Magistrate found that 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 September 15, 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 # 40 - RTL 11-21-223 - Karen Lynn Novak is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **631 Ranney 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 – 9/29/2021.

Karen Novak came forward and was sworn in.

Inspector Recanzone stated the property is zoned SFR-5 and first notice was sent September 29th. He stated as of September 30th the listing was not active. He stated there were 17 reviews from May to August with a nightly rate of \$120. He stated check in time is 4 p.m. and check out is 11 a.m. and he is asking for a fine in the amount of \$1000.

Ms. Novak stated as of June 19th, they got a one year rental license and rented it for 7 months. She stated she cancelled the reservations, delisted the property on November 10th and the house is vacant and up for sale.

Mr. Glassman stated the violation is irreparable and irreversible and renters don't care about the neighbors and community and that's why it is restricted to certain areas. He stated you cannot undo this violation of the Code. He stated the City has a large lodging industry and there must be Compliance with the rules and regulations.

DISPOSITION: The Special Magistrate found that 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 September 30, 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 11-21-225 - Catherine Cabanzon is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **300 Revalo Blvd.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 10/6/2021.

Ms. Catherine Cabanzon appeared via Zoom and was sworn in.

Inspector Recanzone stated he notified the Respondent on October 6th, 2021 and the listing was taken down on October 7th, 2021. He stated the listing had 6 reviews and a nightly rate of \$160. He stated the rules say check in time is flexible and check out is 11 a.m. He stated the violation is irreparable and irreversible and is requesting a fine in the amount of \$1000.

Ms. Cabanzon stated she has no excuses but someone told her she could rent it by the month.

DISPOSITION: The Special Magistrate found that 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 October 7, 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 11-21-226 - Cindy Lee Niles is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1045 Chaffee Pl.** 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 – 10/5/2021.

Ms. Cindy Niles came forward and was sworn in.

Inspector Recanzone stated first notice was given on October 5th and the listing was removed by October 7th. He stated the nightly rate was listed as \$470 and the rules say check in is 3 p.m. and check out is 3 p.m. He stated he is requesting a fine in the amount of \$1000.

Ms. Niles stated they bought the home in 1998 and that is where she lives. He stated she is a teacher and the bills are expensive. She stated it was her impression that she could rent it 1 time for less than 30 days.

DISPOSITION: The Special Magistrate found that 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 October 7, 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.

LR-4 - RTL 07-21-137 – 580 Rio Vista Ave - Hieu H Tran & Hoanguyen Thi Nguyen is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2. Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 6/14/2021. **Order of Non-Compliance and Finding of Irreparable and Irreversible Violation and Imposition of a one-time fine of \$15,000 fine imposed on July 27, 2021. Amount due = \$15,000 plus \$24 recording fees = \$15,024.00.**

Ms. Gretchen Bailey, attorney, came forward. She stated the fine was a violation of Mr. Tran's 8th amendment rights and submitted a flow chart called the Anatomy of a Code Case. She stated Mr. Tran was not given time to comply. She further accused staff, The Assistant City Attorney and the Magistrate of not being consistent in evaluating the amount of fines, not giving proper notice and fining people to stuff the City's coffers.

DISPOSITION: The Special Magistrate reduced the amount of the fine to \$4,000 payable within 30 days or the fine reverts back to the original amount of \$15,024.00

Mr. Riggio asked if there was any Miscellaneous Business and there was none.

The meeting was adjourned at 4:47 p.m.