
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

February 22, 2022 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney

Scott W. Lee, Police Captain

Mr. Clifford Recanzone, Rental Inspector

Ms. LaWanda Tomengo, Rental Inspector

Mr. Steven Cole, Rental Inspector

Ms. June Barnes, Board Secretary

Mr. Joe Graves, Audio/Visual

Mr. Xavier Campbell, Audio/Visual

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 9:08 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 # 11 - RTL 02-22-45 - Igor Makashin is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **138 Kingston Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/7/2021.

Compliance 2/18/2022

CASE # 21 - 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.

Compliance 2/18/2022

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

Mr. Riggio called the first new case.

CASE # 1 - RTL 02-22-37 - REV Investments LLC & Nano LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **220 Reva St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/22/2021.

Respondent was not present.

Inspector Tomengo stated this is an unlicensed rental property. She stated she has had communication with the Respondent and has scheduled an inspection. She stated staff 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 March 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 2 - RTL 02-22-38 - Stafford Legacy Holdings LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **237 DeSoto St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/16/2021.

Ms. Philesha Huggins, Property Manager, appeared via Zoom and was sworn in.

Inspector Tomengo stated this is an unlicensed rental property. She stated she has been in communication with the Respondent and an application has been submitted and approved. She stated she tried to schedule the inspection yesterday and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Huggins stated as of February 21, 2022 the application was on hold. She stated she owns both properties and there are tenants in the properties.

Captain Lee stated she needs to schedule the inspection.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by March 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 3 - RTL 02-22-39 - Deco Investments LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **530 Live Oak Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/29/2021.

Ms. Fassa came forward and was sworn in. She stated her parents own the property.

Inspector Tomengo stated this is an unlicensed rental property. She stated the last inspection was February 8th and there were some issues with windows that won't open and screens and she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Fassa stated the windows have been fixed and she needs an inspection.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by March 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 4 - RTL 02-22-40 - HSAHP LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **104 Claire Terr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/13/2021.

Respondent was not present.

Inspector Tomengo stated the property has no rental license but an application has been submitted and fees paid. She stated the property failed inspection of May 26 and she has made attempts to reschedule. She stated each appointment has been a no show or she has no access. She stated she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Riggio asked if the property was occupied.

Inspector Tomengo stated yes. She stated she was able to obtain a copy of the month-to-month lease from another City department and also spoke to the tenant.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by March 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 5 - RTL 02-22-41 - Lindo Jolly is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **345 & 347 S Martin Luther King Blvd (Parcel ID# 5339-31-00-0050).** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/19/2021.

Respondent was not present.

Inspector Tomengo stated this is an unlicensed rental property. She stated she has had no contact, no application and no inspection. She stated she 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 March 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 6 - RTL 02-22-42 - Bertha Brown is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **307 Parkway St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/18/2020.

Ms. Mary Boyd, daughter of the Respondent, came forward and was sworn in. She stated her mother is deceased.

Inspector Tomengo stated she inspected the property on November 10, 2021 and it failed. She stated she has been in contact with Ms. Boyd and the repairs have been completed and is ready for re-inspection. She stated she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Boyd stated she had nothing to add.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by March 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 7 - RTL 02-22-43 - Janice H Fulford is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **422, 424 & 426 Jefferson St (Parcel ID# 5338-98-06-0090)**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/21/2021.

Ms. Janice Fulford came forward and was sworn in.

Inspector Tomengo stated she confirmed the property was being rented.

Ms. Fulford stated she lives at 422. She stated she has been in contact with Inspector Fitzgerald regarding 424 and 426 which are inherited. She stated her brother was a brick mason and he lived there but it was situated in the County and not the city. She stated when the urban renewal came, the City limits stopped a street before her property and she confirmed with her attorney that it was still in the county but she doesn't know when that changed and there are no records back to 1963.

Mr. Riggio asked if this was 3 separate units.

Ms. Fulford stated she has 2 renters.

Inspector Tomengo stated the property was identified through a code case and the property is not licensed.

Ms. Fulford stated she had a roof issue code case back in August.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by March 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 8 - RTL 02-22-47 - Maria C Carroll is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1309 Sunland Rd**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/8/2021.

Ms. Shirley Millan, Property Manager, came forward and was sworn in.

Inspector Tomengo stated this is an unlicensed rental property. She stated she has been communicating with the Property Manager regarding the property advertising and rentals. She stated the Respondent has submitted an application and she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Millan had no response.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by March 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 9 - RTL 02-22-48 - James M Bertini II, Jenna M Bertini & Stephanie A Bertini is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1220 Gamble Place**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/30/2021.

Mr. Eric Brinkerhoff, Property Manager and Mr. Albert Rodriguez, buyer, came forward and were sworn in.

Inspector Tomengo stated this is an unlicensed rental property. She stated it is tenant occupied. She stated she spoke to the tenant who said she had been there 13 years and rented the property through the Property Management Company Brinkerhoff.

Mr. Brinkerhoff stated Inspector Steve Cole inspected the property and it cost in excess of \$20,000 to bring the property into Compliance and will no longer be a rental.

Mr. Jackson asked if the property was occupied.

Mr. Brinkerhoff stated the property will be occupied until the sale closes and the close date is the beginning of March.

Ms. Rodriguez stated she did not want to be a landlord.

Inspector Cole stated he does not recall ever being at this property.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by March 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 10 - RTL 02-22-50 - IMAS Financial LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1234 Suwanee Rd**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/12/2021.

Mr. Ricardo Hernandez, Property Manager, came forward and was sworn in.

Inspector Tomengo stated the property is tenant occupied and she inspected the property on December 9th with failed results. She stated she is in communication with the Respondent and at the last inspection there were new violations with parking and storage. She stated inspection has been rescheduled for 2/23/2022 at 1:30 and is asking for Non-Compliance and next cutoff to come into Compliance.

Mr. Hernandez stated “that’s about it.”

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by March 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 12 - RTL 02-22-46 - Matthew E Romanik & David N Hague is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **405 N Halifax Ave #209**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/11/2021.

Mr. Matthew Romanik came forward.

Inspector Cole stated the Respondent applied for the license and paid the fees and just needs the inspection. He stated he is requesting a Finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Romanik requested the case be dismissed.

Mr. Riggio stated the property needs an inspection to get the license and would continue the case to the next hearing.

DISPOSITION: The Special Magistrate continued the case to the March 22, 2022 hearing for a finding of Compliance or Non-Compliance.

CASE # 13 - RTL 02-22-49 - New Leaf Real Estate LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **319 Taylor Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/27/2021.

Respondent was not present.

Inspector Cole stated the inspection on February 19th failed due to an unpermitted conversion into a multi-family 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 March 16, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CONTINUED CASES:

CASE # 14 - RTL 01-22-20 - Juan Manuel Tlaxcuapan Ramirez & Diana Ester Rodriguez is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **505 Model St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/17/2020.

Respondent was not present.

Inspector Recanzone stated he had contact with the family via email and the property is not ready for inspection. He stated they are trying to sell the property but there has been no movement toward Compliance. He stated he is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Riggio stated the Respondents have appeared several times.

Inspector Recanzone stated their mother is ill and the property is not rented yet.

DISPOSITION: The Special Magistrate imposed a fine in the amount of \$100 per day, effective February 22, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

CASE # 15 - RTL 01-22-03 - David W Glasser TR & George V Wrend Revoc Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **146 Kingston Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/26/2021.

Respondent was not present.

Inspector Cole stated he has had contact and application was submitted. He stated the Respondent has made progress but the inspection of February 18 failed and there are significant violations that need to be corrected. He stated this is an occupied property.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by March 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 16 - RTL 01-22-17 - Kinsey Whaley is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **135 North St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/19/2021.

Mr. Kinsey Whaley came forward and was sworn in.

Inspector Cole stated he had has contact and an application has been filed. He stated the property did not pass inspection on February 17. He stated 1 unit passed and the other 3 still have violations to be corrected. He stated 2 of the units are occupied.

Mr. Whaley stated he has the property for sale and has a contract to close.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by March 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 17 - RTL 01-22-01 - Sybil Redhead EST is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **113 Azalea Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/8/2020.

Respondent was not present.

Inspector Cole stated he has had no contact with the Respondent and no progress has been made. He stated he is requesting a fine in the amount of \$100 per day to a maximum of \$15,000. He stated the property is occupied and has no Rental License.

DISPOSITION: The Special Magistrate imposed a fine in the amount of \$100 per day, effective February 22, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

CASE # 18 - RTL 01-22-04 - Calvary Global Ministries Inc is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **210 N Peninsula (313 Earl).** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/9/2021.

Respondent was not present.

Inspector Cole stated he has had contact and explained the rental process but there has been no progress. He stated is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.00. He stated the property is occupied.

DISPOSITION: The Special Magistrate imposed a fine in the amount of \$100 per day, effective February 22, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

CASE # 19 - RTL 01-22-15 - NRR Properties LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1051 E Patrick Cir.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/10/2020.

Mr. Lewis Garcia, Property Manager, came forward and was sworn in.

Inspector Cole stated he has had contact with the Respondent. He stated the owner has made some progress but did not pass at the last inspection. He stated he is requesting a fine in the amount of \$100 per day to a maximum of \$15,000 until Compliance is achieved.

Mr. Garcia stated there is an air conditioning unit there that he can put back in the window.

Inspector Cole stated the window cannot continue to be boarded up.

Mr. Garcia stated the tenant only lets them in on Thursdays.

Mr. Riggio stated the inspector needs a finding from the Building Official that the window can be boarded and proof that the screens have been ordered.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by March 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 20 - RTL 01-22-24 - Daytona Beach Investment Property Inc is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **709 Mulberry St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/13/2021.

Respondent was not present.

Inspector Cole stated he has had no contact and no progress has been made. He stated the property is occupied and is asking for 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 per day, effective February 22, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

CASE # 22 - 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.

Respondent was not present.

Inspector Cole stated he has had no contact with the owner and no progress has been made. He stated there has been no re-inspection scheduled and the property is occupied. He stated he is asking for a fine in the amount of \$100 to a maximum of \$15,000.

Mr. Riggio asked if there was a previous inspection.

Inspector Cole stated he inspected the property on January 7th and there were quite a few issues. He listed the items that needed to be corrected.

DISPOSITION: The Special Magistrate imposed a fine in the amount of \$100 per day, effective February 22, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

CASE # 23 - RTL 01-22-04 - Calvary Global Ministries Inc is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **210 N Peninsula (313 Earl)**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/9/2021.

Duplicate case to Case #18

CASE # 24 - RTL 01-22-05 - Valerie D Hamm & Thomas C Hamm is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **341 Fairview Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/22/2021.

Mr. Thomas Hamm came forward and was sworn in.

Inspector Tomengo stated that a Mr. Garrett was making the repairs and the property failed rental inspection. She stated there were health issues at the property and is requesting to amend to the next cutoff for Compliance.

Mr. Hamm stated that would be agreeable and there are a vast majority of issues that need to be corrected.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by March 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 25 - 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 J Van Winkel came forward and was sworn in.

Inspector Tomengo stated that she had made several attempts to contact the new owner to verify the signatures on the non-rental agreement that was provided at the last hearing without success. She stated she tried to reach him through the phone numbers that were given. She stated she attempted an on-site visit to confirm that the unit is owner occupied without success. She stated she conducted research and found out that the property is listed for rent which supports the continued use of the property as a rental. She stated she is requesting to add the new owner to the case to comply with licensing requirements.

Mr. Riggio asked if the inspector had the name for the new owner.

Ms. Jasmine Neumo came forward and stated she represents the new owner.

Ms. Barnes asked the relationship to the owner and swore Ms. Neumo in.

Ms. Neumo stated she notarized the document which was submitted to the Magistrate for the new owner. She stated Mr. Van Winkel owned the property and sold it to the new owner and the unit is unoccupied and he is not listing it for rent. She stated the inspector went to the property yesterday and she understood that she spoke to the HOA manager and she informed her that the unit is not for rent. She stated the original document was under her notary and she has the original document from the new owner also stating he is not going to rent the unit and it is not going to be listed for rent and it is not listed for rent even now. She stated she called the inspector yesterday and left a message that it is not listed anywhere and is not online, it is not being advertised.

Ms. Tomengo referenced the advertisement on the overhead dated January 24 2022 at 1600 Big Tree Road unit D8 for \$1400 a month and if you scroll to the bottom you will see the property manager, Tarek Nuemo, America's Elite Realty LLC. She stated in addition to that she was able to find another listing that was updated MLS report that it has been rented February 4, 2022.

Ms. Nuemo stated she could log into their company's MLS profile and show that it has not been rented and is not listed for sale unless someone is listing it without their permission. She stated she can confirm that it is not their advertising and it is not listed for sale. She stated you can go to the unit and it is empty and the owner is going to reside in it.

Mr. Jackson asked Ms. Nuemo's status.

She stated they had been assisting Mr. Van Winkel.

Mr. Jackson asked who had been assisting.

Ms. Nuemo stated we assisted him with the brokerage.

Captain Lee stated if the owner had communicated with the Inspector, it could have been resolved as to why it was posted online. He stated he doesn't understand why someone would post something on behalf of him and he believes it is possible to post it without posting through the MLS.

Ms. Neumo stated it says it is a MLS broker listed property and it pulls to Zillow and rent.com. She stated it is not listed on their official MLS page.

Captain Lee stated it is listed for rent on that website.

Ms. Neumo stated it is not listed for rent.

Mr. Riggio stated if the property is not for rent the broker should get it off the internet.

Inspector Tomengo stated she had requested several times to speak directly to the new owner and the request is continuously intercepted and that is what resulted in her visit. She stated the HOA representative told her the property was not owner-occupied and that it was currently vacant.

Ms. Neumo stated that her understanding is the owner spoke to the Inspector on the phone and they are refurbishing the unit and that's why it is vacant and then he will occupy the unit.

Inspector Tomengo stated she has never spoken to the new owner of this property.

Captain Lee stated this case is so out of the norm that City Staff is ready to amend it and move on with the new owner.

Mr. Van Winkel stated he has been trying to get a hold of the new owner and he found 4 telephone numbers and each one was disconnected and he could never get a hold of him. He stated he brought these documents last time and the Magistrate felt the document was not acceptable.

Ms. Neumo stated there have been a lot of issues and Mr. Van Winkel getting involved in issues he should not be getting involved in.

Mr. Van Winkel stated he has been asking them to take care of this situation and is just trying to get it resolved. He stated they know the new owner personally and are friends with him and should take care of the situation.

Ms. Neumo stated that was not true.

Mr. Van Winkel stated he hopes you can compel the new owner to get involved.

Mr. Riggio stated this is a simple matter and Mr. Olsen is making it overly difficult.

Ms. Neumo stated they were required to file for the Rental License when the unit was being rented, during the time of the process with the Magistrate the property sold from Mr. Van Winkel to Mr. Olsen and now the unit should not be listed for rent anywhere.

Mr. Jackson stated the issue last month was the sufficiency of the notary and there is now a signature where there was printed information before.

Ms. Neumo stated she went to him this morning and had him sign it.

Mr. Jackson stated the document had a suspicion, and not accurately produced, and can be resolved by having the owner contact the City and ultimately it's the owner's responsibility satisfy

the City that the property is not being rented. He stated there is an advertisement that it is a rental property and advertising is a violation of the Code. He stated we have no choice but to feel like there might be misrepresentation since the last document was submitted and it is clear to us that this is an advertisement for rental and it would be more efficient if we had an owner that came in and said it is not being rented.

Mr. Riggio stated he was presented a non-rental document signed by a Mr. Brian Olsen and asked if he was the owner.

Inspector Tomengo stated there is a warranty deed showing Mr. Olsen as the owner as of December 8th and it is recorded.

Mr. Riggio stated this is an affidavit that is sworn and subject to perjury and will take it at face value. He stated the testimony from the inspector says it is not being rented but we do have the advertisement. He stated the property will get extra attention if there are future advertisements and the owner should make sure that the advertising stops. He stated there could be serious ramifications for him.

Ms. Nuemo stated they know that and they do not have this property for rent.

Mr. Riggio asked Ms. Nuemo what her relationship is to Mr. Olsen and if they are providing management services.

Ms. Nuemo stated no they managed Mr. Van Winkel's unit and he sold the unit and she notarized the document for him. She stated they transferred this unit over to Mr. Olsen.

Mr. Van Winkel stated they are the broker for the sale and he never met the man when he sold it. He said the properties are in good shape and he doesn't understand why they didn't just have the unit inspected and just get on with it.

Inspector Tomengo stated she made many attempts to inspect the unit and there were no-shows and no access.

Ms. Nuemo stated that's where they had issues with the previous tenant granting entry. She stated she has Tarek on the line who wants to say a few words.

Mr. Riggio stated he is thinking of bringing this matter to a close but based upon the fact there are advertisements floating around he would expect that the inspector be keeping an eye to see if there is rental going on. He stated if there is something going on a new action will be written against the current owner.

Mr. Jackson agreed. He stated we have a new owner in December of 2021 and the advertisements after the new owner to ownership. He stated the City is well satisfied that Mr. Van Winkel has done everything he is supposed to do. He stated we have a new owner that is pulling us left and right and we appreciate the validity of and accept that his is the efficiency of a notary but we also still have questions about this new owner's possession and will bring it up if we have any issue arise as to the rental of this property.

Mr. Riggio stated as long as it remains in its current state, Mr. Van Winkel keeps getting drawn back. He stated we have a deed, affidavit and it looks like case closed to Mr. Van Winkel. He stated if there is evidence that the property is being rented that the property party would now be the new owner.

Mr. Jackson agreed.

Ms. Neumo stated she was going directly to DPR as this was not sanctioned by their company. She stated she wanted to make it clear that this unit is not for rent by them.

Mr. Riggio stated there is nothing that says he can't have someone else advertise it and that may be a problem between you and the current owner.

Ms. Neumo says it is being advertised with their brokerage name.

Mr. Jackson stated because of the conflict between advertising the property and the non-rental affidavit the Magistrate should take whatever action he deems appropriate in terms of Compliance.

Mr. Riggio stated he would take an action to dismiss as Compliance should come from the City or inspector and he felt the only option would be to dismiss the case. Mr. Riggio ordered the case be dismissed.

Mr. Jackson asked for clarification that we are not vacating the original findings of Non-Compliance on the property.

Mr. Riggio stated Mr. Van Winkel has acted in a way acceptable to the City by selling the property.

Mr. Jackson stated we are never going to say that is an acceptable way but it does resolve it.

Mr. Riggio stated Mr. Van Winkel or Mr. Olsen could have provided the affidavit and that would be acceptable to the City and there is no one in the unit.

Mr. Jackson stated instead of dismissing the Non-Compliance order he would prefer it be found in Compliance.

Mr. Riggio stated he cannot find it in Compliance.

Mr. Jackson stated the City will find the property in Compliance and asked to vacate the order of dismissal.

DISPOSITION: The Special Magistrate dismissed the case. It was further ordered that the dismissal be vacated based on the City finding the property in Compliance.

CASE # 26 - RTL 01-22-06 - Stephen E Wright is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **318 Phoenix Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/21/2021.

Respondent was not present.

Inspector Tomengo stated she has inspected the property and there are still violations. She stated she would like 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 March 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 27 - RTL 01-22-07 - Gracie Guest Batts Estate is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **931 Vernon St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/17/2021.

Respondent was not present.

Inspector Tomengo stated the property transferred ownership to the heirs and they are evicting the tenant. She stated she is requesting 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 March 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 28 - RTL 01-22-18 - GEA Seaside Investments Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **121 S Grandview Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/14/2021.

Respondent was not present.

Inspector Tomengo stated she has had no contact with the respondent and is requesting a fine in the amount of \$300 per day to a maximum of \$15,000. She stated it is multi-unit, tenant occupied and has had no inspections.

DISPOSITION: The Special Magistrate imposed a fine in the amount of \$300 per day, effective February 22, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

CASE # 29 - RTL 01-22-19 - Sunwest Trust, Inc. Custodian FBO J Fran Lasseter Roth IRA is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **547 Division St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/4/2021.

Mr. Fran Lasseter, owner, and Mr. Gerald McCrary, Property Manager, came forward and were sworn in.

Inspector Tomengo stated she has had communication with Mr. McCrary and the property was inspected on February 18th. She stated there are several violations on the property and she was not able to access once side and there were also guard dogs on the property. She stated she is requesting amend to the next cutoff for Compliance.

Mr. McCrary stated they need 30 days in order to evict the tenants.

Mr. Lasseter stated they have had problems with the tenant.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by March 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 30 - 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.

Respondent was not present.

Inspector Tomengo stated she has had contact with Attorney Love and they have received the results of the “Use Determination”. She stated that it was determined by Redevelopment that 116 Sunrise cannot be used as a rental and that the principle structure is 2049 Blais Ave and can be rented. 2049 Blais Ave is vacant and not rented currently. She stated she is requesting to amend to the next cutoff for compliance.

Mr. Jackson stated he also is in communication with Mr. Love.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by March 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 31 - RTL 11-21-234 - RE Equity Investment Group LLC & Juanny Paulino & Daytona 19 LLC 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. Jaimon Perry, attorney, came forward.

Inspector Tomengo stated at the last meeting we added the new owner. She stated the application is still under review by Redevelopment and is requesting to amend to the next cutoff for Compliance.

Mr. Perry stated he is requesting an extension.

Captain Lee stated the City is willing to give them until next month.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by March 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 32 - RTL 11-21-235 - RE Equity Investment Group LLC & Juanny Paulino & Daytona 19 LLC 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 they have applied for the license and it is under review. She stated she is requesting 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 March 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

Lien Reviews

LR-1 - RTL 07-21-155 - 443 Jefferson St - Central Florida Realty & Property Management LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/3/2020. **Order Imposing fine lien of \$100 per day, effective September 28, 2021 to a maximum of \$15,000. Compliance = December 2, 2021. Amount due: \$6,500 plus \$24 recording fees = \$6,524.00.**

The respondent for this case was not present and Mr. Riggio continued the case to the afternoon session to allow time for him to be contacted.

LR-2 CEB 11-19-260 – 935 School St - Ryan Nunes (new owner is Activation Investment Group LLC) is cited for failure to correct violations of Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8); Art. 6 Sec. 6.2.A; Art. 6 Sec. 6.2.H.7.A; City Code Ch. 26 Sec. 26-294. Violation(s) – Off-street parking, junk vehicles, failure to obtain Rental License (RTL). First Notified – 12/29/2018. **Order Imposing Fine/Lien of \$100 per day effective December 12, 2019 to a maximum of \$15,000. Compliance = June 14, 2021. \$15,000 plus \$24 recording fees = amount due = \$15,024.00.**

Ms. Monica Munevar came forward and was sworn in. She stated there was extensive renovations done to the property.

Mr. Jackson stated Mr. Angel came and said he had put a lot of money into it. He stated there was discussion as to purchasing the property with the fine and that he may lose \$5000. He stated at the last hearing, the City asked for a reduction to \$7,500.

Captain Lee stated the City would reduce the last ask by half and release the parcel only for \$3,500.

Mr. Riggio stated he remembers the owner had issues.

Mr. Recanzone stated the property is in Compliance and the lien was a surprise. He stated the buyer was under contract and unable to cancel or he would lose his earnest money.

DISPOSITION: The Special Magistrate reduced the amount of the lien to \$3,500 payable within 30 days or the fine reverts back to the original amount of \$15,024.00. It was further ordered that

once payment is made, a partial release be prepared to release the parcel only and that the original violator, Ryan Nunes remain encumbered by name.

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

The afternoon session was called to order at 1:12 p.m.

Inspector Recanzone was again sworn in.

CASE # 33 - RTL 02-22-27 - Carlos & Luisa Rincon Espada is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **210 Auditorium Blvd.** Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 1/20/2022.

Mr. Simon Rosari, attorney, came forward.

Inspector Recanzone stated the property is zoned RP and short-term rentals are not allowed. He stated he found the violation online on January 20, 2022 and they are still actively advertising as of February 22, 2022. He stated the website lists the property for \$215 per night, check-in time is 3 p.m. and check-out time is 10 a.m. He stated the violation is irreparable and irreversible and is requesting a one-time fine in the amount of \$15,000.

Mr. Rosari stated the property is on Airbnb but you cannot rent it for less than 6 months. He stated that was fixed when the notice was received and hasn't rented it since. He stated the owner spoke to zoning and paid the taxes. He stated Ms. Espada purchased it and fixed it.

Mr. Jackson explained the grounds for asking for a finding of irreparable and irreversible and stated that the taxes were never paid to the City.

There was substantial testimony as to how Airbnb works.

Mr. Riggio noted the screenshot of the listing says January 20th and shows \$215 per night and that the advertising is the violation since it is being held out nightly.

Mr. Jackson stated his arguments as to the grounds that this violation is irreparable and irreversible in nature.

DISPOSITION: After hearing the arguments, 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. He ordered that a one-time fine in the amount of \$5,000 be imposed, payable within 30 days, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 34 - RTL 02-22-28 - Alicia Delgado Life Estate is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **529 N Peninsula Dr.** Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 1/20/2022.

Mr. Chris Dinardo, Property Manager, came forward and was sworn in.

Inspector Recanzone stated the property is zoned RP and was found online on December 8, 2021. He stated the property was no longer advertising on January 22, 2022. He stated the listing had 12 reviews, check-in time is 3 p.m. and check-out time is 12 p.m. and he is asking for a one-time fine in the amount of \$1,000.

Mr. Dinardo stated they will pay \$1,000.

DISPOSITION: After hearing the arguments, 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. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed, that the property is in Compliance as of January 21, 2022, 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 02-22-29 - Brian Lemar & Cameryn Justice Rivera is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **211 & 213 S Oleander Ave.** Violation(s) – Zoning violation - the property is zoned RDB6. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 1/13/2022.

Ms. Cameryn Justice Rivera came forward and was sworn in.

Inspector Recanzone stated the property is zoned RDB6 and short-term rentals are not allowed in this zoning district. He stated he first observed the advertising on January 13, 2022 and as of January 14, 2022 they were no longer advertising. He stated there were 2 reviews, the daily rate is listed as \$111 per night and the rules state check-in time is 4 p.m. and check-out time is 10 a.m. He stated the violation is irreparable and irreversible and requested a one-time fine in the amount of \$1000.

Ms. Rivera stated they paid taxes to the County and state of Florida where it is listed. She stated she pulled down the listing and asked the Property Manager to rent is long-term. She stated she heard Mr. Jackson's argument regarding Irreparable and Irreversible violations.

DISPOSITION: After hearing the arguments, 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. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed, that the property is in Compliance as of January 14, 2022, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 36 - RTL 02-22-30 - Anthony McDermott Jr is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **415 Auburn Dr.** Violation(s) – Zoning violation - the property is zoned MFR-40. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 1/12/2022.

Mr. Anthony McDermott came forward and was sworn in.

Inspector Recanzone stated the property is located in Zoning District MFR-40. Short-term rentals are not allowed in this zoning district. He stated he first reviewed the listing on January

22, 2022 and it is still active. He stated the listing is still up and has a daily rate of \$155, check out time is 8 a.m. and check in time is 9 p.m. to 2 a.m. and the violation is irreparable and irreversible. Mr. McDermott stated he has a long term tenant in the property and was not able to access the listing posted by his tenant as he did not have the property ID. He stated his lease states that leasing is not allowed. He stated he made over 50 phone calls to get the listing taken down and it is no longer being advertised.

Captain Lee stated the City would be willing to reduce the fine to \$2,000.

DISPOSITION: After hearing the arguments, 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. He ordered that a one-time fine in the amount of \$1,500, payable within 30 days, be imposed, that the property is in Compliance as of February 21, 2022, 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 02-22-31 - William Raymond Nelson is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **503 Earl St.** Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 1/10/2022.

Mr. William Raymond Nelson came forward and was sworn in.

Inspector Recanzone stated the zoning district is RP and short-term rentals are not allowed in this zoning district. He stated he first observed the listing on December 8, 2021 and as of January 11, 2022 they were no longer advertising. He stated there was one review, the property was listed for \$264 per night, check-in time is 10 a.m. and check out time is 12 p.m. He stated the violation is irreparable and irreversible and is asking for a one-time fine in the amount of \$1,000.

Mr. Nelson stated he lives in the house and was just trying to supplement his income. He stated there are a lot of houses around him doing the same.

DISPOSITION: After hearing the arguments, 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. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed, that the property is in Compliance as of January 11, 2022, 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 02-22-32 - Alicia A Azhari is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **301 N Wild Olive Ave.** Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 1/3/2022.

Ms. Alysse Azhari came forward and was sworn in. She stated her name is incorrect on the Notice.

Inspector Recanzone stated this property is zoned RP. Short-term rentals, known as Other Accommodations are not allowed in this zoning district. He stated he first observed the advertising on January 14, 2022. He stated they were no longer advertising as of January 3, 2022. He stated there were 9 reviews on the property and the rules stated that check in time is 3 p.m. and check out is 11 a.m. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$1000.

Ms. Azhari stated she lives there and rents a room. She stated he heard Mr. Jackson's argument the nature of an irreparable and irreversible violation.

DISPOSITION: Mr. Riggio ordered that the name be corrected on the case citation. After hearing the arguments, 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. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed, that the property is in Compliance as of January 11, 2022, 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 02-22-33 - Timothy Hoffman is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **2040 S Peninsula Dr.** 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 – 1/4/2022.

Mr. Timothy Hoffman was scheduled to appear via zoom but was not present.

Inspector Recanzone stated he first observed the advertising on January 4, 2022 and as of January 5, 2022 they were no longer advertising. He stated the listing had 3 reviews on Airbnb, the daily nightly rate was \$357, check in time is 4 p.m. and check out time is 11 a.m. He stated the violation is irreparable and irreversible and he is requesting a fine in the amount of \$1,000.

Mr. Jackson asked the Magistrate to take into consideration his argument of Irreparable and Irreversible.

DISPOSITION: After hearing the arguments, 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. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed, that the property is in Compliance as of January 5, 2022, 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 02-22-34 - Denny L Snyder is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1134 Bel Aire Dr.** 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 – 1/21/2022.

Ms. Denny Snyder came forward and was sworn in.

Inspector Recanzone stated the property is zoned SFR-5 and short-term rentals are not a permitted use in this district. He stated he first observed the advertisement on January 20, 2022

and they are still there. He stated after multiple phone calls and emails as of February 11, 2022 they were no longer actively advertising on Airbnb. He stated as of February 10th there are 5 reviews, a daily rate of \$60, check-in time is 3 p.m. and check-out time is 11 a.m. He stated the action is irreparable and irreversible and he is asking for a one-time fine in the amount of \$15,000.

Ms. Snyder asked Mr. Jackson for a definition of irreparable and irreversible.

Mr. Jackson stated irreparable means you can't repair it and irreversible means you can't undo it.

Mr. Jackson gave the City's argument as to why the violation is irreparable and irreversible in nature.

Ms. Snyder stated she had other Airbnb properties in other states. She stated she thinks the City will allow them since the Mayor's speech. She stated she liked to show her remodeling on the property from last year on her taxes so that she can deduct it.

Mr. Riggio stated this proceeding cannot change laws and the inspector stated she still had someone in there.

Ms. Snyder stated she does and he is there until the first of May and that he came the first of January. She stated the term is 120 days and she is not going to have him leave.

Mr. Riggio stated the City is asking for \$15,000 and he is trying to find a way to help her. He stated there is a code and the code says there can't be any short-term rental here.

Ms. Snyder stated her reasons are that she didn't know 4 months was short-term rental.

Captain Lee stated the changes that the Mayor discussed do not extend this far north.

Mr. Riggio stated he cannot make a decision based on possible legislation.

Captain Lee stated she could be cited tomorrow for violations since she is continuing to rent.

Ms. Snyder stated she took it off the website.

Captain Lee stated the violation is that she is continuing to rent.

Ms. Snyder stated she could not ask him to leave.

Mr. Riggio stated the burden shifts to you if there is to be a reduction.

Ms. Snyder said he has to be there until May and she doesn't know what to say. She said after he leaves she's there.

Mr. Riggio stated he is searching for a reason not to order what the City has asked.

Ms. Snyder stated she did not know what to say and she made a commitment to Airbnb and he's there from January 1st to May 1st and she can't change that. She stated she had it painted and remodeled the kitchen. She stated she hasn't rented it since August 2020 and she uses it as a write-off on her taxes.

Mr. Jackson stated advertising continued beyond the request for removal. He stated the property is not in Compliance.

Ms. Snyder said it was in Compliance.

Mr. Riggio stated she still has the tenant there and that is not Compliance. He stated for a long-term rental she needs a license.

Captain Lee stated the property cannot be legally used in the way she is trying to use it.

Mr. Riggio again stated he cannot find a reason for leniency and the Respondent is continuing violation.

Ms. Snyder referred to other City's laws. She stated she wished she could come up with something to reduce the fine. She stated the Magistrate did not know there were not people in other properties and she admitted it. She asked what the appeal process is.

Mr. Riggio stated Circuit Court.

Mr. Jackson stated the Respondent has 30 days to appeal to Circuit Court per Florida Statute 162.11.

He asked the Respondent if she had anything further and she said no.

DISPOSITION: After hearing the arguments, 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. He ordered that a one-time fine in the amount of \$15,000, payable within 30 days, be imposed, that the property is not in Compliance as of this date, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

Mr. Jackson stated he wanted to make it clear that each day is a violation of the City's ordinance and that staff could bring her back on a new case as a repeat violation.

Ms. Snyder stated if her tenant stays.

Mr. Jackson stated yes.

CASE # 41 - RTL 02-22-35 - Carol Bartels is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **498 Golf Blvd.** 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 – 1/6/2022.

Respondent was not present.

Inspector Recanzone stated the property is zoned SFR-5 and short-term rentals are not allowed in this zoning district. He stated he found the listing on January 6, 2022 and as of January 7, they were no longer advertising. He stated on January 6 there were 29 reviews, the property was advertised for \$170 per night with check-in time at 3 p.m. and check out time at 11 a.m. and the violation is irreparable and irreversible. He stated he is asking for a one-time fine in the amount of \$1000.

Mr. Jackson asked to consider his prior presentation for irreparable and irreversible nature of the violation.

DISPOSITION: After hearing the arguments, 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. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed, that the property is in Compliance as of January 7, 2022, 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 02-22-36 - Ashley R Gillette & John Ryan Gillette and Terri G Duran is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **112 Milton Rd.** 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 – 1/6/2022.

Mr. John Gillette came forward 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 observed the advertising on January 5, 2022 and as of January 6, 2022 it was no longer advertising. He stated the advertising listed the property for \$53 per night and the rules stated check-in time is 2 p.m. and check-out time is 12 a.m. He stated the action is irreparable and irreversible and is asking for a one-time fine of \$1000.

Mr. Gillette stated he heard Mr. Jackson's presentation and did not need it repeated.

DISPOSITION: After hearing the arguments, 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. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed, that the property is in Compliance as of January 5, 2022, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

LR-1 - RTL 07-21-155 - 443 Jefferson St - Central Florida Realty & Property Management LLC

Mr. Carlus Marchbanks came forward and was sworn in. He stated there were a lot of costs with the house and his tenants did not pay. He stated he was in the process of requesting a variance and is asking for the city to reduce the fine to \$3,000.

Mr. Riggio asked if the ability to come into Compliance was not being able to get the tenant out?

Mr. Marchbanks stated yes and he did not pay.

Mr. Jackson acknowledged the pandemic issues.

Captain Lee stated he would agree to reducing the amount of the fine to \$652.40.

DISPOSITION: The Special Magistrate reduced the amount of the lien to \$652.40 payable within 30 days or the fine reverts back to the original amount.

Mr. Riggio was alerted that the respondent for case # 39 was now on Zoom.

Mr. Riggio called a 5 minute break at 4:05 p.m.

The meeting resumed at 4:07 p.m.

Mr. Riggio vacated his previous order.

Mr. Timothy Hoffman appeared via Zoom and was sworn in.

Inspector Recanzone restated his case details.

Mr. Jackson presented his irreparable and irreversible argument.

Mr. Hoffman stated he immediately took the listing down and will not be doing Airbnb. He created a listing in Florida to show he has more homes. He stated he has never done rentals here and the reviews are friends and relatives.

Mr. Riggio stated the Inspector has requested a fine of \$1,000.

Mr. Hoffman stated he thought he could have the posting and asked if the advertising is the violation.

Mr. Riggio stated the advertising is holding out by advertising and regardless of whether you took in any tenants triggered the ordinance. He stated the Inspector does not have a way to know if it is fact rented.

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. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed, that the property is in Compliance as of January 5, 2022, 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 and there was none.

The meeting was adjourned at 4:23 p.m.