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# City of Daytona Beach Special Magistrate

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

**Robert J. Riggio, Special Magistrate**

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## March 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

Mr. Kevin Yates, Code Inspector

Ms. June Barnes, Board Secretary

Ms. Kimberly Reno, 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 9:06 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 03-22-54 - Richard S Smith** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **146 Pierce Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/7/2021.

*Compliance 3/21/2022*

**CASE # 14 - 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.

*Compliance 3/16/2022*

**CASE # 30 - RTL 01-22-15 - NRRR 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.

*Compliance 3/21/2022*

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

Mr. Riggio called the first new case.

**CASE # 28 - 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.

Attorney David Glasser, Trustee, appeared via Zoom. He stated the deed would be transferred into Ms. Sullivan's name.

Inspector Steven Cole stated he had contact with the estate manager and they had given the tenant 20 days to vacate. He stated he went to the property for inspection but was unable to complete the inspection due to a hoarding situation. He stated there was significant damage to the house and asked to amend to the May hearing.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 20, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 1 - RTL 03-22-64 - Von Gott Holdings LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1600 Big Tree, Unit D5.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/12/2021.

Ms. Jasmine Neumo, Property Manager and Mr. David Moore, owner, came forward and were sworn in.

Ms. Neumo stated they were recently hired as the Property Managers.

Inspector Tomengo stated this is an unlicensed rental property. She stated an application was filed and payment made but no inspection has been scheduled yet and 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 April 20, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 2 - RTL 03-22-65 - Dwight Edwards** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **528 Live Oak Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/13/2021.

Respondent was supposed to appear via Zoom and was not present. Mr. Riggio moved to the next case to give the respondent time to appear.

**CASE # 3 - RTL 03-22-66 - Susan E Ondris-Cox** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1222 Midway Blvd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/30/2021.

Respondent was not present.

Inspector Tomengo stated she opened the case on March 1, 2021. She stated she had contact with the Respondent on July 14<sup>th</sup> and that it is an unlicensed rental property. She stated she verified occupancy with the tenant and spoke to the owner. She stated no applications have been submitted and 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 April 20, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 4 - RTL 03-22-67 - Cresilda Z Shahzada** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1250 Suwanee Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/21/2021.

Ms. Edith Ignacio, daughter of the owner, came forward and was sworn in.

Inspector Tomengo stated she opened the case on July 21, 2021 and this is an unlicensed rental property. She stated the property is tenant occupied and has submitted a rental application. She stated she inspected the property on September 20<sup>th</sup> with failed results and no re-inspection has been scheduled. She stated she gave Ms. Ignacio a list of the repairs that need to be made. 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 April 20, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 5 - RTL 03-22-68 - Action Mtg of Central FL** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **916 Lockhart St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/7/2021.

Respondent was not present.

Inspector Tomengo stated she opened the case in March of 2021 and it is an unlicensed rental property. She stated the previous property owner closed the rental license for lack of payment. She stated there has been no inspection on the property and 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 April 20, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 6 - RTL 03-22-69 - Arya International Realty LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **308 Adeline St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/17/2021.

Mr. Zachary Moore, Property Manager, came forward and was sworn in. He stated he has been the property manager since November and that Kira and Ray are gone.

Inspector Tomengo stated this is an unlicensed rental property. She stated the license has been submitted and she has made attempts to complete and inspection but it did not happen. She stated the owners evicted the upstairs tenant and she has an inspection scheduled for March 25<sup>th</sup>. She stated the lower unit is occupied and the upper locks were changed by the tenant. 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 April 20, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 7 - RTL 03-22-51 - BMS Holdings LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **418 Pleasant St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/12/2022.

Respondent was not present.

Inspector Steven Cole stated the property is not in Compliance 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 April 20, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 8 - RTL 03-22-58 - BMS Holdings LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **736 Alabama St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/11/2022.

Respondent was not present.

Inspector Cole stated he opened the case in November of 2021, has had no contact and 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 April 20, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 9 - RTL 03-22-52 - Short Hills LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1259 Waverly Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/11/2020.

Respondent was not present.

Inspector Cole stated he opened the case in April of 2021 and 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 April 20, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 10 - RTL 03-22-53 - Glenn D & Donna Wetherell** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **624 Mulberry St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/20/2021.

Respondent was not present.

Inspector Cole stated the last inspection was February 10<sup>th</sup> and the property was in Non-Compliance. 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 April 20, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 12 - RTL 03-22-59 - Marjanita Iglesia Revocable Trust** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1701 N Oleander Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/7/2022.

Ms. Marjanita Iglesia came forward and was sworn in.

Inspector Cole stated he completed an inspection last Friday and there are some items that need to be repaired. He stated he is requesting a Finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Iglesia agreed.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by April 20, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 13 - RTL 03-22-63 - Theo Cox** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **508 Model St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/10/2022.

Respondent was not present.

Inspector Cole stated he opened the case in December of 2021. He stated he inspected the property on February 28, 2022 and it was not in Compliance. He stated they have no rental license and 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 April 20, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 15 - 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.

Mr. Stephen E Wright came forward and was sworn in.

Inspector Tomengo state she has had contact with the Respondent regarding repairs and she sent him the list last week. She stated she would like to amend until the May cutoff to give the owner time to apply for permits and obtain contractors.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 18, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 16 - 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 she has been in communication with one of the new owners and is requesting to add the names on the case as the result of a probate order. She stated the recorded deed was a protected document.

Mr. Jackson stated the City would substitute in this case.

Inspector Tomengo stated the owners have plans to evict the tenant and 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 April 20, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. It was further ordered that the names on the case be changed to Audrey Batts Watson & Rene M Batts Elmore.

**CASE # 17 - 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. Gerald McCrary, Property Manager, came forward and was sworn in.

Inspector Tomengo stated she has had contact from the property owner and he is making progress. She stated they were being obstructed from the tenant and they are working to evict. She stated she is asking to amend to the next cutoff.

Mr. Riggio asked Mr. McCrary is that was agreeable and Mr. McCrary stated yes.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 20, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 18 - 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 communication with Attorney McGregor Love regarding the status of the planning and zoning appeal and he does not know a time frame. She stated the property is tenant occupied and is asking to amend to the May cutoff for Compliance.

Mr. Jackson stated the property owner is getting a use determination.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 18, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE #19 - 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, appeared via Zoom.

Inspector Tomengo stated the owner has submitted applications and the property is scheduled for inspection on March 30<sup>th</sup>. 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 April 20, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 20 - 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 this is the same as the previous case. She stated she is waiting for the application to be approved by Redevelopment and has scheduled the inspection for March 30th. She 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 April 20, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 21 - 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.

Mr. Emil Hijazi, part owner, came forward and was sworn in.

Inspector Tomengo stated she has had contact with the Respondent. She stated she conducted an inspection on March 10<sup>th</sup> and there were some violations to be corrected. She stated she did not inspect the front unit and has reschedule that for April 4<sup>th</sup>. She stated she 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 April 20, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

Mr. Riggio called a break at 11:00 a.m.

The meeting resumed at 11:08 a.m.

**CASE # 25 - 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 has had no contact with the respondent and there has been no application for rental license. She stated she is requesting to add the additional owner and submitted the Volusia Property Appraiser's report.

Captain Lee stated the record was most likely a probate record but is not accessible by us.

Ms. Fulford stated that Morris was her brother and he was on the VCPA site because he had paid the fees. She stated Jaime Adams paid for her mama when she was alive. She stated the property was turned over to her. She stated she is coordinating a roofing contractor.

Inspector Tomengo stated she has no rental license.

Ms. Fulford stated that she mentioned at the last hearing that urban renewal stopped at Eldorado and that Jefferson Street was still under the County. She stated attorney Lancaster helped her mother and brought it before the City and said there will not be a licensing document.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 20, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. It was further ordered that Mr. Morris L Fulford be added to the case.

**CASE # 27 - 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, previous property manager, came forward and was sworn in.

Inspector Tomengo stated she was informed the property had been sold and the new owners were added. She stated she is asking to amend to the next cutoff for Compliance.

Mr. Brinkerhoff stated the tenants had vacated and the property was occupied by the owner.

Mr. Riggio stated the Inspector would need an Affidavit not to rent.

Mr. Brinkerhoff stated he has nothing to do with the new owner.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 20, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 22 - 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 she completed a rental inspection of the property and it failed. She stated a list has been sent to the property owner and she is requesting to amend to the next cutoff for Compliance.

Ms. Huggins agreed.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by April 20, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 23 - 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 she contacted the previous owner and they told her the property was sold to Shamrock Shamrock Inc. She stated she is requesting to add the new owner and 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 April 20, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. It is further ordered that the new owner Shamrock, Shamrock Inc. be added to the case.

**CASE # 24 - 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 she has had no contact with the owner and there has been no application for Rental License. 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 March 22, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

**CASE # 26 - 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.

Respondent was not present.

Inspector Tomengo stated she conducted a rental inspection and spoke to the Property Manager regarding violations that need to be corrected. 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 April 20, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

Mr. Riggio recalled case #2. Respondent was still not present.

Inspector Tomengo stated she opened the case in July of 2021 and had no communication at first with the Respondent. She stated she spoke with him on September 7, 2021 and advised him he needed a license. She stated the property is tenant occupied and 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 April 20, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 29 - 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 contact this morning with the owner of the property and it is occupied. He stated there has been no progress since he conducted an inspection before the last hearing.

Mr. Whaley stated he has made some repairs and asked for more time. He stated the property is under contract and the buyer has agreed to cover the cost of the repairs. He stated he would have the smoke detectors done by the 16<sup>th</sup>.

Inspector Cole stated since they are life-safety issues that he would like them done by April 4<sup>th</sup>.

**DISPOSITION:** The Special Magistrate ordered that the violation with respect to smoke detectors come into Compliance by April 4, 2022 or a fine in the amount of \$100 per day will automatically be ordered to a maximum of \$15,000. It is further ordered that all other violations come into Compliance by April 20, 2022 or return to a subsequent meeting for consideration of the imposition of a fine.

**CASE # 31 - RTL 01-22-26 - B&B 2421 N Oleander Ave LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **2421 N Oleander Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/5/2020.

Mr. William Barker came forward and was sworn in.

Inspector Cole stated the property is occupied and all the repairs have been completed except for the window. He stated the Respondent notified him that the windows would be in May 12 and would like to amend to the May cutoff.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 18, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 32 - RTL 01-22-25 - R Lawrence Vandenberg** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **299 Woodland Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/6/2021.

Mr. Lawrence Vandenberg came forward and was sworn in. Mr. Walter Snell, attorney, came forward.

Inspector Cole stated he has had no contact with the Respondent, the property is occupied and no progress has been made.

Mr. Jackson stated he has spoken with Mr. Snell and the building does not meet the standard for a stand-alone unit. He stated he discussed further investigation of the rental as an ADU.

Mr. Snell stated the building is not offered for rent and there is no quid pro quo for residency so there is no Rental License required.

Inspector Cole stated there was a complaint regarding someone living in the garage who was not in the family and was assumed to be a rental. He stated he visited the property and Mr. Vandenburg introduced them as his caretaker.

Mr. Jackson asked the inspector what his description was of a caretaker.

Inspector Cole stated he thought they took care of the property.

Mr. Jackson asked the inspector if there were indications that it was medical or nursing care.

Inspector Cole stated no. He stated it was a young family with a child. He stated the building was not on the property when he researched on Google Earth and that it had never been permitted.

Mr. Riggio asked if this is a separate unit.

Inspector Cole stated it is separated by a walkway.

Mr. Jackson give the Magistrate a survey and pictures of the property.

There was considerable discussion regarding as to which property on the photo was the one in question and whether it has plumbing or was a storage shed and discussion regarding the walkway and gazebo.

Mr. Riggio asked what constitutes a rental,

Mr. Jackson referred to Section 26-293 and stated applicability.

Captain Lee was sworn in and stated the property is located in Zoning District SFR-5 and only one family can live on the property. He stated there are 2 units and 2 families.

Mr. Jackson asked the Respondent what the caretaker's function was.

Mr. Snell stated the inspector did not ask what caretaker means. He stated it was a guest house and the walkway connects the units. He referred to a 2018 survey showing the guesthouse and a drawing for the permit for the covered walkway. He stated it was not the owner's intent to earn income. He stated there was an arrangement to pay the water and the electric bill but they had other jobs. He stated the girl has a part-time job and they give money in the summer for A/C with the understanding they will check on him. He stated they have no medical background and if they leave, they do not have to give notice. He referred to the definition in Florida Statutes Chapter 82 which defines rent.

There was discussion regarding unlawful detainer and transient occupancy in this situation.

Mr. Snell stated the occupants get their mail at this address.

Inspector Kevin Yates was sworn in. He stated he started the case for an unpermitted building and he spoke to the tenant and asked him if he was the owner or renter and he said renter.

Mr. Vandenburg stated he consulted an architect and he told him the walkway made one building.

There was further discussion regarding transient occupation and primary occupation.

Mr. Riggio asked if rental can be other than money.

Mr. Jackson read out loud the definition which includes receipt of goods or services in lieu of rent.

**DISPOSITION:** The Special Magistrate found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by June 22, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 33 - 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 he has had no contact with the owner, the property is occupied and has made no progress. 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 March 22, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

**LR-1 - SMG 08-18-93 – 802 – Derbyshire Rd. - Reginald T Copeland** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 6/8/2018. **Order Imposing Fine-Lien of \$200 per day, effective November 8, 2018, plus a one-time administrative fee of \$250 for failure to obtain Business Tax Receipt, \$24 recording fees and interest in the amount of \$2,603.79 = \$17,877.79.**

Mr. Reginald Copeland came forward and was sworn in. He stated he is requesting exoneration. He stated there were a plethora of pleadings and the city elected to believe it was a rental. He stated the City send representations to the wrong address. Mr. Copeland gave the Magistrate a copy of an email from Mr. Bob Jagger (which this clerk was not given).

Mr. Riggio read the document and stated there is no reference in the document to the lien.

Mr. Copeland stated the occupant had handicap kids and he gave them an opportunity to purchase a house if he could meet the criteria set. He stated when Mr. Cole and Mr. Sykes came to inspect the property he would not let them in. He stated the Legal Department told them they could get an injunction but did not pursue.

There was discussion regarding the intent to sell document which was never signed or notarized and the financial aspects of his deal with the occupant.

Mr. Jackson stated the lower court instructed him to go to a different court.

Mr. Riggio stated that was because it was outside the jurisdictional limits of \$50,000.

Mr. Jackson referred to the November 2018 hearing minutes where he referred to the intent to sell to Jacobs and there was additional discussion as to where the funding was coming from and how much the occupant was supposed to pay.

Mr. Jackson stated the City first learned of the lease option in 2021 when he sought eviction of the occupant and alleged a contract dispute. He stated it was no simple eviction but a foreclosure and the case was transferred but the fee was never paid.

Mr. Riggio state lease purchase is a rental and he believes the lien is valid. He asked if the Respondent and City cannot come to an agreement.

Mr. Jackson stated they made efforts and was not successful. He stated they have set down with staff, Mr. Copeland and the City Manager and that Mr. Copeland made accusations against staff and the City Attorney and he gets bombarded with Mr. Copeland's emails and phone calls on a regular basis and he doesn't know if it was realistic they could come to an agreement.

Mr. Copeland stated Mr. Jagger said they would not move beyond and not pursue needing a rental agreement.

Mr. Riggio stated the parties need to come closer in agreement.

**DISPOSITION:** The Special Magistrate continued the case to the April 26, 2022 meeting.

The morning session was adjourned at 12:47 p.m.

The afternoon session was called to order at 1:27 p.m. Ms. Kim Reno assumed the responsibilities of Board Secretary in Ms. Barnes absence.

Mr. Riggio called the first case for irreparable and irreversible code violations.

Staff testifying was sworn in.

Mr. Jackson stated the City is withdrawing case #37. He stated they would be citing it as a different case. **CASE # 37 - RTL 03-22-70 - Jiri D Konicek, Jana A Konicek & Anna Konicek** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **2019 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 – 3/2/2022.

**CASE # 34 - RTL 03-22-55 - Giuseppe Paternuosto & Luisa I Gomez** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **600 Ribault Ave.** Violation(s)

– Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 2/16/2022.

Respondent was not present.

Inspector Clifford Recanzone stated the property is zoned SFR-5 and short-term rentals are not permitted use in this zoning district. He stated the violation was first observed and notified on February 16<sup>th</sup>, 2022. He stated as of March 21, 2022 the property was still actively advertising on VRBO and Airbnb. He stated the property had 36 reviews, shows a daily rate of \$95 per night on Airbnb and \$100 per night on VRBO. He stated house rules show a check in time of after 4 p.m. and check-out time of 11 a.m. He stated the actions are irreparable and irreversible in nature and the City is asking for a one-fine in the amount of \$15,000. He stated this is the second time the property owner has been cited for this violation and was brought before the Magistrate on July 27<sup>th</sup> as case # RTL 07-21-133 and was given a fine of \$1,000. He stated the property listing was not taken down.

Mr. Jackson asked if the prior violation was posted on Airbnb as well and Inspector Recanzone stated yes.

Inspector Recanzone stated the link is different from the first violation and the old link is still up.

Mr. Riggio asked again if there was anyone in the Chamber or on Zoom for this case and there was no response. He stated they paid a fine and cannot claim they are not aware of this.

Mr. Jackson made a request for a finding of irreparable and irreversible and reminded the Magistrate that there was a prior finding on this respondent. He explained the City's reason's for making that request.

**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 this is the second time that the Respondent has come before the Magistrate for this matter and that a one-time fine in the amount of \$15,000, payable within 30 days, 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 03-22-61 - Jose Marquez & Angie Rumaldo** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **357 Plaza Blvd.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 3/1/2022.

Ms. Angie Rumaldo appeared via zoom and was sworn in.

Inspector Clifford Recanzone stated the property is zoned SFR-5 and short-term rentals are not permitted use in this zoning district. He stated the violation was first observed on February 18<sup>th</sup>, 2022, notified on March 1<sup>st</sup>, 2022 and was no longer advertising as of March 11, 2022. He stated the property was on their own website and had a complaint during bike week of March 4<sup>th</sup> through the 11<sup>th</sup>. He stated as of March 1<sup>st</sup>, the property had 6 reviews, shows a daily rate of \$325 per night, check in time is after 11 a.m. and check-out time of 3 p.m. He stated the actions are irreparable and irreversible in nature. He stated the property was brought before the Magistrate

on July 27, 2021, case # RTL 07-21-162 and was given a one-time fine in the amount of \$1,000.00.

Mr. Jackson asked if the posting shows their guests coming.

Inspector Recanzone directed the City attorney to the overhead showing the reviews showing the first stay in May 2021. He stated he found the website because the guest that was in the house gave him the website and he found the property from a complaint.

Ms. Rumaldo stated she did not need to hear Mr. Jackson's irreparable and irreversible argument again.

Mr. Jackson repeated his arguments.

Mr. Riggio asked the Respondent when he went to see the tenant and Inspector Recanzone stated February 18<sup>th</sup>.

Ms. Rumaldo stated the website was created a year ago and is not actively advertising and no reviews since last year. She stated she stopped when they were told they couldn't rent short-term. She stated her friends and family were told about the website and she is not sure why it was mentioned. She stated it took her a long time to get rid of the website because it wasn't on their radar.

Mr. Riggio stated that the City's argument is that once the advertising goes up it can remain forever. He asked Inspector Recanzone if he can distinguish websites that are relics of the past or ones that are active.

Inspector Recanzone stated he has stumbled across some websites in the past that show they are inactive.

Captain Lee stated there is no way to tell the time that a website was put up or taken down.

Mr. Riggio stated the tenant told the Inspector he got his information off the website.

There was discussion regarding the site being old.

Ms. Rumaldo stated it was not her intention to harm the City.

**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 this is a second violation and imposed a one-time fine in the amount of \$15,000, payable within 30 days, be imposed, that the property is in Compliance as of March 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.

Ms. Barnes resumed the Board Secretary duties at 2:00 p.m.

**CASE # 36 - RTL 03-22-62 - Shook Investment Property, LLC** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1516 N Atlantic Ave.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 3/1/2022.

Mr. Mitchell Shook appeared via Zoom and was sworn in.

Inspector Clifford Recanzone stated the property is zoned SFR-5 and short-term rentals are not permitted use in this zoning district. He stated the violation was first observed on March 1st, 2022, notified on March 1<sup>st</sup> and was no longer advertising as of March 2, 2022. He stated the listing showed 30 reviews, a daily rate of \$450 per night, house rules on the page state check in time is after 4 p.m. and check-out time of 10 a.m. He stated the actions are irreparable and irreversible in nature and asked for a one-time fine in the amount of \$1,000.00.

Mr. Jackson requested his irreparable and irreversible argument apply and Mr. Shook stated he heard the argument and stipulated he has heard it.

Mr. Shook stated accept Mr. Recanzone's recommendation and purchased as a retirement home and it was not their intent to rent to the public but allow employees, contractors and clients come there and not pay. He stated he did not realized the advertisement was a violation but to use it to see when it was available and he has taken that down.

**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 March 2, 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 03-22-56 - James A Burrows Revocable Living Trust** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **366 Tiki Ter.** Violation(s) – Zoning violation - the property is zoned PD-G. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 2/16/2022.

Mr. James Burrows came forward and was sworn in.

Inspector Clifford Recanzone stated the property is zoned PD-G and short-term rentals are not permitted use in this zoning district. He stated the violation was first observed and notified on February 16<sup>th</sup>, 2022 and was no longer advertising as of February 17<sup>th</sup>, 2022 on VRBO. He stated the property had 4 reviews, shows a daily rate of \$55 per night, house rules show check in time is after 4 p.m. and check-out time at 11 a.m. He stated the actions are irreparable and irreversible in nature and due to the quick resolution of the Respondent is asking for a one-time fine in the amount of \$1,000.00.

Mr. Jackson asked for a determination of irreparable and irreversible and asked Mr. Burrows if he wanted it repeated and he stated no.

Mr. Burrows stated the Inspector called him back and he agrees to pay the fine. He stated the property is in Margaritaville and they have told 8,000 people they can rent them. He stated the property was never rented and VRBO has minimum rental periods and it would give you an error for a week. He stated the property has been rented for people that are buying houses in Margaritaville.

**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 February 16, 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 03-22-57 - James P Merthe & Connor James McGivern** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **34 S Noble St.** 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 – 2/17/2022.

Mr. James P Merthe and Connor James Givern came forward and were sworn in.

Inspector Clifford Recanzone stated the property is zoned RDB and short-term rentals are not permitted use in this zoning district. He stated the violation was first observed and notified on February 17<sup>th</sup>, 2022 and was no longer advertising as of February 18<sup>th</sup>, 2022. He stated the property had no reviews, shows a daily rate of \$350 per night, house rules show check in time is after 4 p.m. and check-out time at 11 a.m. He stated the actions are irreparable and irreversible in nature and due to the quick resolution of the Respondent is asking for a one-time fine in the amount of \$1,000.00.

Mr. Merthe stated he did not need Mr. Jackson to repeat his irreparable and irreversible argument. He stated Connor was his foster child and he had put away money to purchase the house and there was no intention of doing anything wrong just teaching him life lessons.

Mr. Jackson stated it was a noble gesture and reminded him of the nature of impacts and that he is requesting the Magistrate to act consistently with previously rulings.

**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 February 18, 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 03-22-60 - Andre Gesquiere & Daeri Tenery** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **313 Plaza 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 – 3/1/2022.

Ms. Daeri Tenery came forward and was sworn in.

Inspector Clifford Recanzone stated the property is zoned SFR-5 and short-term rentals are not permitted use in this zoning district. He stated the violation was first observed on February 28, 2022 and notified on March 1<sup>st</sup>, 2022 and was no longer advertising as of March 2<sup>nd</sup>, 2022. He stated the property had 1 review, house rules show check in time is after 4 p.m. and check-out time at 11 a.m. He stated the actions are irreparable and irreversible in nature and due to the quick resolution of the Respondent is asking for a one-time fine in the amount of \$1,000.00.

Ms. Tenery stated she heard Mr. Jackson's argument and that she was not aware of the zoning.

**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 March 2<sup>nd</sup>, 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 # 41 - RTL 03-22-72 - Larkin Street Homes LLC** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **534 Live Oak Ave.** Violation(s) – Zoning violation - the property is zoned RDM6. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 3/2/2022.

Respondent was not present.

Inspector Clifford Recanzone stated the property is zoned RDM6 and short-term rentals are not permitted use in this zoning district. He stated the violation was first observed on March 1<sup>st</sup>, 2022 and notified on March 2<sup>nd</sup>, 2022 and was no longer advertising as of March 2<sup>nd</sup>, 2022. He stated the property had 5 reviews, shows a daily rate of \$124 per night, house rules show check in time is after 3 p.m. and check-out time at 10 a.m. He stated the actions are irreparable and irreversible in nature and due to the quick resolution of the Respondent is asking for a one-time fine in the amount of \$1,000.00.

**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 March 3, 2022, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

**MB-1 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. **Order of Non-Compliance and Finding of Irreparable and Irreversible Violation and Imposition of fine imposed on February 22, 2022. Amount due: \$15,000.00.**

Ms. Denny Snyder came forward and was sworn in. She stated she contacted the website and told them about her situation and they contacted the tenant who agreed to leave. She stated she gave the tenant back the money paid for the remaining stay and is asking to pay the money that she received for the time that he did stay as full payment of the lien.

Inspector Recanzone stated he was told the tenant had vacated by March 1<sup>st</sup>.

Mr. Riggio stated that the rental was brought to a close and after the proceeding, the Respondent took action.

Captain Lee stated the action taken was the same action the Respondent could have taken before the last hearing and believes she would have complied if she knew the punishment was this severe previously.

**DISPOSITION:** The Special Magistrate ordered that the fine be reduced to \$3,511.40 payable within 30 days or the fine reverts back to the original amount of \$15,000 plus recording cost and interest.

The meeting was adjourned at 2:54 p.m.