
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

April 26, 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. Tom Clig, Code 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 9:04 am and announced the procedure for the meeting.

Mr. Riggio asked if there were any announcements.

Ms. Barnes announced the following cases in Compliance.

CASE # 16 - 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.

Compliance 4/22/2022

CASE # 32 - 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.

Compliance 4/21/2022

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

Mr. Riggio called the first case.

CASE # 1 - RTL 04-22-83 - Anthony Ray Teel is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **611 North St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/16/2022.

Mr. Anthony Teel came forward and was sworn in.

Inspector Steven Cole stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Teel stated he has had no access to the building and got a writ of possession in March of 2022. He stated he has no understanding of the violations at this time and has applied for the Rental License and wanted to know if the inspector will come and do a pre-inspection to tell him what needs to be fixed.

Manager Denzil Sykes stated the City does not conduct pre-inspections and will give him a checklist to walk through and if everything on the checklist is in Compliance should call the inspector for an inspection.

Mr. Teel stated he did not live here all of the time and wouldn't be back until May.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by June 22, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 2 - RTL 04-22-82 - Bessie Morris is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1223 Sunset Cir.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/22/2022.

Respondent was not present.

Inspector Cole stated he opened the case in January of 2022 and conducted an inspection on March 10th which failed. He stated he is requesting Non-Compliance and next cutoff to come into Compliance.

Mr. Riggio asked if the property is occupied and Inspector Cole stated he was not sure.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by May 18, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 3 - RTL 04-22-90 - Elena Scott is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **325 Brookline Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/24/2022.

Ms. Elena Scott came forward and was sworn in.

Inspector Cole stated he opened the case on January 11, 2022. He stated the property failed inspection in March and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Scott stated she has applied for the Rental License and paid the fees.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by May 18, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 4 - RTL 04-22-74 - Marguerite Gallo is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **628 Mulberry St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/7/2022.

Ms. Marguerite Gallo came forward and was sworn in.

Inspector Cole stated the case was opened in January and the property failed inspection on April 7, 2022. 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 May 18, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 5 - RTL 04-22-91 - The 1121 Yaupon Land Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1121 Yaupon St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/5/2022.

Respondent was not present.

Inspector Cole stated he opened the case in February of 2022. He stated he inspected the property on April 7, 2022 and it failed. He stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by May 18, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 6 - RTL 04-22-106 - Advanced Minerals Inc TR & 317 Fairview Ave Land Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **317 Fairview Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/13/2022.

Mr. Don Wollard, President of Advanced Minerals, came forward and was sworn in.

Inspector LaWanda Tomengo stated she opened the case on November 4th, 2021. She stated they applied for license but it was denied in September 2020 due to insufficient parking. She

stated she told him to follow up with the Redevelopment Department. She stated he has not done that but resubmitted a new application for less units.

Captain Lee stated staff would be willing to amend to the June cutoff for this case.

Mr. Wollard stated the property was owned by a trustee and was to be used for their staff to stay in. He stated after COVID, they decided to rent the property. He stated the issues became a problem when the road was widened.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by June 22, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 7 - RTL 04-22-105 - GEA Seaside Investments Inc is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **507 Phoenix**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/23/2021.

Respondent was not present.

Inspector Tomengo stated she opened the case on October 29, 2021 for an unlicensed rental property. She stated the property is occupied and the license was expired. She stated she has had no contact with the property owner and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Riggio asked the City Attorney if they were still in the endless bankruptcy process.

Mr. Anthony Jackson, City Attorney, stated yes.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by May 18, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 8 - RTL 04-22-101 - John J Maher & Christine M Maher is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **514 Lenox Ave**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/2/2021.

Mr. John S Maher, brother to Christine Maher, came forward and was sworn in.

Inspector Tomengo stated she opened the case on September 10, 2021. She stated this is an unlicensed rental property and it is tenant occupied. She stated she has been in communication with the owner and they have submitted an application for Rental License but the property still needs inspection. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Maher stated that John J Maher is deceased and they had not gone through probate but when one passed it was transferred to the survivor.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by May 18, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 9 - RTL 04-22-102 - Mary V Taylor Life Estate is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **546-544 Bellevue Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/14/2021.

Respondent was not present.

Inspector Tomengo stated she opened the case on September 24, 2021. She stated this is an unlicensed rental property. She stated she has had contact with the owner's daughter in November and the rental license was applied for on April 19th. 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 May 18, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 10 - RTL 04-22-98 - Michael A Martin is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **361 Fletcher Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/14/2021.

Respondent was not present.

Inspector Tomengo stated she opened the case on May 7, 2021. She stated this is an unlicensed rental property. She stated she has had no contact with the owner, there has been no application for rental license 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 May 18, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 11 - RTL 04-22-99 - Robel Dawit is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **106 Misty Glen Lane.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/11/2022.

Respondent was not present.

Inspector Tomengo stated she opened the case on April 29, 2021. She stated there was a change in ownership and she notified the new owner that the property was unlicensed on January 11, 2022. She stated there has been no application for 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 May 18, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 12 - RTL 04-22-103 - Steven & Kimberly Schlossberg is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1324 Golfview Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/28/2021.

Mr. Steven Schlossberg came forward and was sworn in.

Inspector Tomengo stated she opened the case on September 28, 2021 and it was an unlicensed rental property. She stated the property owner has applied for the license and it has been approved. She stated she has an inspection scheduled for May 6th at 9:30 am 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 May 18, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 13 - RTL 04-22-93 - Zixin Yan & Meixiu Tang is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **161 Westwood Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 9/1/2021.

Ms. Lynn Burne, Property Manager, came forward and was sworn in.

Inspector Tomengo stated she opened the case on May 26, 2021 as an unlicensed rental property. She stated they have paid the renewal fees and scheduled the rental inspection for May 31st. She stated she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Riggio asked Ms. Burne if she had any problem with that.

Ms. Burne stated she had no problem.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by May 18, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 14 - RTL 04-22-92 - BMS Holdings LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **713 Cedar St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/8/2021.

Mr. Eric Spivey, real estate agent, came forward and was sworn in.

Inspector Tomengo stated she opened the case on December 6, 2021 and it is an unlicensed rental property. She stated she had a complaint from the tenants on the condition of the property and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Spivey stated they were working through them and asked for the June cutoff.

Inspector Tomengo reminded the Magistrate that the property is tenant occupied and requested the next cutoff.

Mr. Jackson stated the city would be more comfortable if the inspection could be conducted due to the case being the result of a tenant complaint.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by May 18, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 15 - RTL 04-22-100 - BMS Holdings LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **417 Maple St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/14/2022.

Inspector Tomengo stated the case was opened on November 29, 2021 as an unlicensed rental property. She stated she received complaints on the property and the application was submitted on April 27 for the rental license. She stated the property needs inspection and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Spivey stated the property is vacant and they obtained access last Friday through a Writ. He stated the property will stay vacant until the process is completed.

Mr. Riggio asked the Respondent to make this property a focus.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by May 18, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CONTINUED CASES:

CASE # 17 - 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.

Inspector Cole stated he has had contact with the owner and they are making progress. He stated the first inspection failed and he would like to amend the Order of Non-Compliance to the next cutoff to give the property owner time to fix the violations.

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 # 18 - 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.

Compliance 4/26/2022

CASE # 19 - 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 – 12/16/2021.

Respondent was not present.

Inspector Cole stated he has had contact with the owner and they are making progress. He stated the last inspection failed and he would like to Amend the Order of Non-Compliance to the next cutoff to give them time to remedy the violations.

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 # 20 - 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 has had contact with the owner at the last hearing a fine of \$100 would be imposed if the smoke detectors were not installed by April 4th. He stated he was a couple of days late. He stated the cabinets are still not done and asked to amend to the next cutoff for compliance.

Mr. Whaley stated he borrowed money to pay his taxes and has not had the money for the cabinets.

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 # 21 - 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.

Respondent was not present.

Inspector Cole stated he has had contact. He stated the last inspection failed and is asking to amend to the next cutoff to give the owner time to make the corrections.

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 # 22 - 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.

Ms. Jane Ivanhoe, Registered Agent, came forward and was sworn in.

Inspector Cole stated he had had contact with the Respondent and inspected the property on March 28 and it failed. He stated he is asking to amend to the next cutoff for Compliance and stated there are 2 old permits that need to be closed.

Ms. Ivanhoe stated she is doing the best she can.

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 # 23 - 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 since the last hearing he has had no contact with the owner and there has been no progress. He stated the owner came into the office in February to get an application but it has not been submitted. He stated he is requesting a fine in the amount of \$100 to a maximum of \$15,000.

DISPOSITION: The Special Magistrate imposed a fine in the amount of \$100 per day, effective April 26, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

CASE # 24 - 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 has inspected the property and it failed. She stated she is requesting to amend and allow time to make repairs.

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 # 25 - 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.

Inspector Tomengo stated she completed an inspection with failed results and is requesting the next cutoff to complete the corrections.

Mr. Moore stated he is agreeable and has completed the violations except that he is waiting for a small stove to come in.

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 # 26 - RTL 01-22-07 - Audrey Batts Watson & Rene M Batts Elmore 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.

Ms. Audrey Batts Watson came forward and was sworn in.

Inspector Tomengo stated she had received some communication from the Respondent and as of April 20th the tenant had not vacated. She stated there are still a lot of code violations. She stated the Rental license application was received but she has not been able to conduct an inspection. She stated she is requesting a fine in the amount of \$100 to a maximum of \$15,000.

Ms. Watson stated she received no notification and found out in December 2021. She stated the property was still in her mother's name. She stated on January 6, 2022 she found out about the code violations. She stated they terminated the lease on February 19th and gave the tenant until April 1st to vacate the property. She stated the tenant did not leave and she is trying to get a 3 day eviction.

There was discussion regarding the recent probate of the property and the change from Ms. Watson's mother to the heirs.

Ms. Tomengo stated she visited the property on March 15th and the tenant stated he was still making monthly rent payments.

Ms. Watson stated as soon as she found out in January of this year she has been trying to get the tenant out but she was not sure of the process.

Mr. Riggio asked if the property had been inspected.

Inspector Tomengo stated no.

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 # 27 - 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 not present.

Inspector Tomengo stated she has had no contact, no application and no inspection. She stated the property is tenant 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 April 26, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

CASE # 28 - RTL 02-22-40 - HSAHP LLC & Shamrock Shamrock Inc 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.

Ms. Jennifer Gillikim, attorney for Shamrock Shamrock Inc, came forward.

Inspector Tomengo stated she has had contact with Mr. Patrick Sullivan and Frank Gans.

Ms. Gillikim stated an eviction was filed yesterday to allow the owners the ability to get possession and the owner does not intend to rent the property after the inspection is conducted. She stated they notified the tenant to be out by March 14 and filed a writ of possession on April 19th. She stated it will no longer be tenant occupied as the new owner plans to sell the property.

Mr. Riggio asked if the City is requesting a non-rental affidavit.

Inspector Tomengo stated yes after the inspection.

Mr. Riggio asked if the inspection is necessary since they won't be renting.

Inspector Tomengo stated there are code violations on the property including inoperable vehicles.

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 # 29 - RTL 02-22-43 - Janice H Fulford & Morris L 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 and Mr. Morris Fulford came forward and were sworn in.

Inspector Tomengo stated she has had contact with Mr. Fulford and he completed the application and paid for the license. She stated she conducted a rental inspection and repairs are underway. She stated he sent her a roofing contract and she is asking to amend to the June cutoff for compliance.

Mr. Morris agreed. He stated there was already a lien on the property.

Inspector Tomengo stated that was from a previous code case for roof repair.

Mr. Fulford became emotional at hearing and stated he will assist his sister in doing everything that needs to be done on the property.

DISPOSITION: The Special Magistrate amended the previous order of 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 # 30 - 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 for Daytona 19 LLC, appeared via Zoom.

Inspector Tomengo stated the property failed re-inspection and she is asking to amend to the next cutoff for Compliance.

Mr. Perry stated ok.

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 # 31 - 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 that the initial inspection failed on April 29, 2021 and the property changed ownership. She stated at the recent re-inspection she communicated the violations to the Property Manager. She stated there are issues concerning the windows which were still the same from last April. She stated unit 3 was not able to be inspected and was inaccessible and she is requesting a fine in the amount of \$100 to a maximum of \$15,000.

Mr. Riggio asked if the property is occupied by tenants.

Inspector Tomengo stated yes.

Mr. Riggio asked how many units on the property.

Inspector Tomengo stated 4.

Mr. Perry stated they spoke to a contractor and will meet for a proposal to replace the windows on Friday.

Inspector Tomengo stated as a result of her previous communications with Mr. Accornero she had hopes that the property would pass on the 30th but again the same items did not pass.

Mr. Perry stated they are trying to get the repairs done in a timely manner.

Mr. Riggio asked if all 4 units are occupied.

Mr. Perry stated he did not know.

Inspector Tomengo stated there was no electricity in one unit.

Mr. Riggio stated he issued the Order of Non-Compliance in November of last year.

Mr. Perry stated his client hasn't had possession for long.

Inspector Tomengo stated unit 1 failed inspection on the 29th for the second time and the same screen was missing. She stated unit 2 passed inspection and unit 3 has no electricity as of April 29th. She stated unit 4 has the same damaged, boarded up window at the April 29th inspection. She stated she stressed that the property needs to be brought into Compliance or a fine would be imposed.

Mr. Riggio asked the inspector if she discussed this with Mr. Accornero.

Inspector Tomengo stated she discussed it with him in January via email and by phone in February after the property was sold.

Mr. Perry stated they passed a couple of inspections and the prior owner argued that it was to this point and asked for a continuance.

DISPOSITION: The Special Magistrate imposed a fine in the amount of \$100 per day, effective April 26, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

CASE # 33 - 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. Phileshia Huggins, Property Manager, appeared via Zoom and was sworn in.

Inspector Tomengo stated the tenant is under eviction and she did find the documentation on the Clerk's website. She stated unit C still needs repairs to the ceiling and would like to amend to the June cutoff for Compliance.

Ms. Huggins stated she accepts that.

DISPOSITION: The Special Magistrate amended the previous order of 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 # 34 - 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.

Respondent was not present.

Inspector Tomengo stated she has received communication from Whitney Hill and that Mr. Lasseter is deceased. She stated she is requesting to amend to the next cutoff to give them time to settle the estate, evict the tenant and schedule the rental inspection.

DISPOSITION: The Special Magistrate amended the previous order of 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 # 35 - 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.

Inspector Tomengo stated she has had no contact, no application and no inspection and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000. She stated she found the tenant's name on file with the utility billing department.

DISPOSITION: The Special Magistrate imposed a fine in the amount of \$100 per day, effective April 26, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

Mr. Riggio called a recess at 11:14 am

The meeting resumed at 11:27 am

LR-1 SMG 04-19-83 – 45 N Hollywood Ave - Valerie D. and Thomas C. Hamm is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 11/12/2018. **Order Imposing Fine/Lien imposed on May 21, 2019 of \$100 per day to a maximum of \$15,000. Compliance = March 17, 2022. Amount due = \$15,000 plus \$24 recording fees plus \$2,413.80 interest = \$17,437.80.**

Mr. Thomas Hamm and Mr. Clinton Barrows, son of the owner, came forward and were sworn in.

Mr. Hamm stated they were not aware of the ongoing process and found out about the posting on the property sent to their PO Box in California. He stated they round out at a hearing on April 9th, 2019 that he had no Business License and there were back fees. He stated he was told by P & L he would be contacted by an inspector. He stated the fine was levied. He stated since

then Inspector Cole conducted an inspection and placed the property in Compliance but cannot issue the license because there is a fine in place. He stated the property was put in Compliance on March 17, 2022.

Mr. Riggio stated the Respondent was present at the hearing and was unaware of what was going on?

Mr. Hamm stated changed the address with the Property Appraiser early last year.

Mr. Barrows stated he found the posting and told Mr. Hamm to come to the hearing.

Mr. Riggio asked the Respondent when he changed the address on his tax bills.

Mr. Hamm stated his tax bills were forwarded from a California post office box. He stated the Post Office box had not been forwarding calls for a long time.

Captain Lee stated there was an additional code case opened by Inspector Jones in June of that year.

The Board Secretary gave the Magistrate a copy of the Volusia Tax printout on the case used to prepare the notices. The printout was dated 2019.

Mr. Riggio asked the Respondent when he moved to Daytona.

Mr. Hamm stated they moved here in 2014.

Mr. Riggio confirmed that the Respondent moved here in 2014 and the PO Box will still on the tax roll in 2019.

Mr. Hamm stated they bought the property in June and used an old address.

There was considerable discussion regarding some addresses being changed and some addresses still listing the PO Box after several years.

Mr. Hamm asked for a continuance to contact the Property Appraiser to see why they did not change the address when he requested it several times. He stated they eventually filled out a form to make the change at a satellite office where he pays his taxes.

DISPOSITION: The Special Magistrate denied the request for lien reduction without prejudice.

Inspector Tom Clig was sworn in.

LR-2 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.

Mr. Jackson stated at the previous meeting, the Magistrate asked the parties to try and reach a joint resolution. He stated he conducted a meeting, via phone conference call, at the request of Mr. Copeland, with Mr. Copeland, Captain Lee, Denzil Sykes and himself with the express purpose of coming up with an agreeable number. He stated Mr. Copeland made it clear that he wanted a full waiver and when the parties did not agree he hung up the phone. He stated the City is requesting no reduction.

Mr. Copeland stated he tried to be cooperative but did not receive notice and that the information that was brought up was inaccurate. He stated the City consistently does not give proper notice and reiterated his side of the argument which was heard at the last meeting. He stated he went to get the rental license but they won't perform the inspection.

DISPOSITION: Mr. Riggio stated at the last hearing he determined this was a rental property and denied reduction of the lien.

The meeting was adjourned at 12:58 pm

Mr. Riggio called the afternoon session to order at 1:40 pm. He announced the procedure for the meeting and swore in Inspector Recanzone and members of staff who may be testifying.

IRREPARABLE/IRREVERSIBLE

CASE # 36 - RTL 04-22-94 - 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 – 3/24/2022.

Respondent was not present.

Inspector Recanzone stated he first observed the violation on March 24th and as of March 25 they were no longer advertising. He stated the rules on the page stated check in time is after 4 and check out time is 11 am He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$15,000. He stated this is the 3rd time this property has been before the magistrate. He stated the property was here last month and received a \$15,000 fine on case # RTL 03-22-55 and was before the Magistrate on February 28th and received a fine of \$1000 for case # RTL 07-21-133. He stated he has had no contact with the owner and the sales associate knew the hearing was today.

Mr. Jackson made a request for a finding of irreparable and irreversible and explained the City's reasons 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 that this is a third 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 25, 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 04-22-79 - 506 Butler LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **506 Butler 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 – 3/7/2022.

Respondent was not present.

Inspector Recanzone stated the violation was first observed March 6th and on March 8th was no longer advertising. He stated on March 6th there were 5 reviews with a nightly rate of \$87. He stated the rules are check in time is 4 pm and check out time is 11 am and the violation is irreparable and irreversible. He stated this is the second time this property has been brought to hearing. He stated the first time was January 26, 2021 and a fine in the amount of \$15000 was imposed. He stated he is requesting a fine in the amount of \$15,000 for this occurrence.

Mr. Jackson asked the Magistrate to consider his argument that the 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 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 8, 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 04-22-80 - Magdelisa Feliz is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **244 S Seneca 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 – 3/7/2022.

Ms. Magdelisa Feliz came forward and was sworn in.

Inspector Recanzone stated he first observed the listing on December 6th, 2022 but was unable to locate the property. He stated as of April 19th, the listing was still active. He stated the property is advertised for \$175 a night and the rules state check in time is after 4 pm and check out time is 10 am. He stated the violation is irreparable and irreversible.

Mr. Riggio asked what platform.

Inspector Recanzone stated Airbnb.

Mr. Jackson asked the Respondent if he needed him to repeat his argument that the violation is irreparable and irreversible and Ms. Feliz stated no.

Ms. Feliz stated the violation notice says to cease and desist and she did. She stated she changed the listing to 6 months. She stated she thought short-term rental was allowed and that was wrong.

Inspector Recanzone stated the website is still active.

Captain Lee explained that the property is advertised per night.

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 \$15,000, payable within 30 days, be imposed, that the property is not in Compliance, 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 04-22-81 - Sabrina D Covington is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **129 N Caroline St.** Violation(s) – Zoning violation - the property is zoned RDD7. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 3/7/2022.

Mr. Nicholas Martinelli, husband to owner, appeared via Zoom and was sworn in.

Inspector Recanzone stated he first observed the violation on November 30, 2021 and as of March 7th they were no longer advertising. He stated on March 19th he observed 98 reviews, the property was advertised for \$132 per night, check in time is 3 pm and check out time is 11 am He stated he had contact yesterday and the listing was taken down on Sunday March 24th. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$15,000.

Mr. Martinelli stated the cleaning lady sent the second letter before Easter and he cancelled the reservations and shut it 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 \$15,000, payable within 30 days, be imposed, that the property is in Compliance as of April 24th, 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 04-22-95 - Jeremiah J Regan is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **232 Zaharias Cir.** 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 – 3/31/2022.

Mr. Jeremiah Regan, owner, and Mr. Ron May, witness, came forward and were sworn in.

Inspector Recanzone stated he first found the advertising online on March 30th and as of April 19 were still advertising. He stated the website has 125 reviews, the nightly rate was \$90 per night, check-in time is noon and check out time is noon. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$15,000 since the advertising is still active.

Mr. Jackson asked the Respondents to acknowledge his irreparable and irreversible argument and asked if they wanted him to repeat.

Mr. Regan stated he heard.

Mr. May stated the property was being used as a short-term rental and that he had been attacked by a dog that belonged to one of his Embry Riddle students who are renting long term. He stated he does not have a rental license and started renting in 2015.

Mr. Jackson asked if this was a private community.

Mr. May stated LPGA. He stated there is not enough parking for his rentals and he parks his own vehicle at the clubhouse or golf course. He stated there are renters there now.

Mr. Regan stated he took the listing down and only had 1 booking. He stated he has one or two Embry Riddle students that stay between 2 and 5 years. He stated it was not a rental but he is hosting. He stated he had one booking in February. He stated the listing was deceitful and didn't know that he turned the booking live. He stated the reviews go way back and he was disappointed. He stated the students leave in May and they pay in advance for one year. He stated there are only 3 different cars there.

Mr. Riggio asked if the website was listed with a nightly rate.

Inspector Recanzone stated yes for \$90 and is still active.

Mr. Riggio asked the inspector if he had contact with the Respondent and there was no response.

Mr. Regan stated he was not short-term renting

Mr. Riggio stated that he has testimony from a witness under oath that the property is being rented.

Mr. Regan stated that guests come and they park off premises.

Mr. Riggio stated the in his testimony, Mr. Regan stated they he short-term rented the property during Bike Week.

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 \$15,000, payable within 30 days, be imposed, that the property is not in Compliance, 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 04-22-89 - MES Property Group LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **608 S Palmetto Ave & 610**. Violation(s) – Zoning violation - the property is zoned RDD-6. Short term rentals, known as

"Other Accommodations" are not a permitted use in the zoning district. First Notified – 3/18/2022.

Mr. Christopher Sylvester came forward and was sworn in. He stated he and his mom own the property.

Inspector Recanzone stated he found the advertising online on March 11th and as of April 5 is no longer active. He stated as of April 5th the website shows 2 reviews, a nightly rate of \$250, check in time of 4 pm and check out time of 10 am. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$5,000.

Mr. Jackson asked the Respondent if he heard his argument of irreparable and irreversible violation and Mr. Sylvester stated he did and did not need it repeated.

Mr. Sylvester stated he lives in 608 and is applying for a bed and breakfast license.

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 \$5,000, payable within 30 days, be imposed, that the property is in Compliance as of April 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 # 42 - RTL 04-22-96 - Irina Grosz is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **405 N Halifax Ave #110**. Violation(s) – Zoning violation - the property is zoned MFR-20. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 3/31/2022.

Mr. Richard Damico and Ms. Ilona Sander, daughter, came forward and were sworn in.

Inspector Recanzone stated the website lists the property at \$105 nightly before April 11 and there are 2 reviews. He stated the rate increased to \$115 per night with check in time of 4 pm and check in time of 11 am. He stated the violation is irreparable and irreversible and is requesting a fine in the amount of \$5,000.

Mr. Damico stated he received a certified letter and took the listing offline and canceled the future reservations the same day. He stated he just purchased the unit.

Ms. Sander stated they received the notice on April 11th and she called Inspector Recanzone to verify.

Mr. Jackson asked the Respondents if they wanted him to repeat his irreparable and irreversible argument and Mr. Damico stated no.

Ms. Sander stated she didn't see the notice until April 17th.

Mr. Riggio asked her if they live elsewhere.

Ms. Sander stated yes.

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 April 12, 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 # 52 - RTL 04-22-84 - 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) – Operation of a recreational vehicle park is not a permitted use in this zoning district. First Notified – 3/24/2022.

Ms. Anna Konicek came forward and was sworn in. She asked why her case has been previously withdrawn from the agenda.

Inspector Recanzone stated according to Article II Sec 1 operation of a recreational vehicle park is not a permitted use in this zoning district. He stated a recreational vehicle was observed on this property on January 11th, 2022. He stated he noticed the property on March 2nd and as of March 3rd was no longer advertising. He stated the March 2nd observation was of an RV with out-of-state tags in an open grass area. He stated the online advertising lists a back yard, no bath, at \$40 per night. He stated the advertising states the rules are check in between 2-9 and check out by 12 pm. He stated he is asking for a one-time fine in the amount of \$1000.

Mr. Jackson stated the advertising was for short-term overnight guests and were self-regulating accommodations. He stated the advertising creates the same kind of issues and are still transient in nature and is asking for a finding of irreparable and irreversible violation.

Ms. Konicek stated this is the second time she has come to court from Colorado. She stated she spoke to Inspector Recanzone and he told her court wasn't cancelled. She asked him why court was cancelled and he did not know why.

Mr. Recanzone stated he did not know the Respondent was from out of town in March. He stated he called about the notice and they immediately took it down. He stated they had 3 reservations and they were cancelled.

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 \$200, 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.

CASE # 43 - RTL 04-22-86 - Vladimir & Anna Panchenko is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **2521 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 – 3/14/2022.

Mr. Vladimir Panchenko & Ms. Anna Panchenko came forward and were sworn in.

Inspector Recanzone stated he first observed the violation on March 12 and it was no longer on the website as of April 4th. He stated there were 22 reviews on the website in April, the nightly rate was \$273 and check out time is 11 am. He stated he is asking for a fine in the amount of \$5,000.

Mr. Jackson asked the Magistrate to consider is irreparable and irreversible argument and Mr. Panchenko stated he did not need it repeated.

Mr. Panchenko stated that his son lives in Palm Beach and this will be his primary residence. He stated his mother was severely hospitalized and he decided to do full time Airbnb in Florida and accepts nothing less than a week. He said he has cameras around the entire perimeter and his cousin found the notice. He stated he snoozed the advertisement with Airbnb. He stated there are two addresses on the property 2525 and 2521 S Peninsula.

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 \$5,000, payable within 30 days, be imposed, that the property is in Compliance as of April 12, 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 # 44 - RTL 04-22-75 - Byron Somers is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **609 White St.** 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 – 3/7/2022.

Mr. Byron Somers came forward and was sworn in.

Inspector Recanzone stated he first observed the advertising on March 6th and as of March 8th they were no longer advertising. He stated as of March 7th there were 2 reviews, the nightly rate is \$189, rules state check in is after 3 pm and check out 11 am. He stated the violation is irreparable and irreversible and is requesting a fine in the amount of \$1000.

Mr. Somers stipulated that he heard Mr. Jackson's irreparable and irreversible argument. He stated that they purchased the house in 1987 through a foreclosure. He stated his dad passed last year at the age of 64 and his brother passed in November. He began using it as a vacation property in December.

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 8, 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 called a recess at 4:10 pm

The meeting resumed at 4:22 pm

CASE # 45 - RTL 04-22-76 - Maria A Cassidy is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **108 Emmett St.** Violation(s) – Zoning violation - the property is zoned RDM5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 3/7/2022.

Ms. Maria Cassidy Came forward and was sworn in.

Inspector Recanzone stated he observed the advertising online on March 4, 2022 and as of March 8th was no longer advertising. He stated on March 4th, Airbnb showed 1 review, a nightly rate of \$206, check in after 5 pm and check out after 11 am. He stated he is requesting a fine in the amount of \$1000 since the Respondents removed the advertising upon notice.

Mr. Jackson asked the Respondent if she heard his argument as to why the violation is irreparable and irreversible.

Ms. Cassidy stated no and that she knew that ignorance of the law was not an excuse. She stated she rented to guys. She stated the property was broken into and she was threatened. She stated the officer told her it was not allowed and she cancelled the next guests. She stated it was a nightmare.

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 8, 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 # 46 - RTL 04-22-77 - Independence Holdings LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **311 Mobile 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 – 3/7/2022.

Mr. Donovan Sheiner, owner, came forward and was sworn in.

Inspector Recanzone stated he first observed the property online on March 6th and as of March 8th was no longer advertising. He stated there was one review, the nightly rate was \$208, check in time is after 4 pm and check out time 10 am. He stated the violation is irreparable and irreversible in nature and is requesting a one-time fine in the amount of \$1000.

Mr. Sheiner stipulated that he did not need Mr. Jackson to repeat his irreparable and irreversible argument. He stated he did not know the laws that govern the area. He stated it took him 48 hours to remove the advertising and he has put the property on the market.

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 8, 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 # 47 - RTL 04-22-78 - Juan Marino Gomez Estrada is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1424 Margina 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 – 3/7/2022.

Mr. Juan Marino Gomez Estrada came forward and was sworn in.

Inspector Recanzone stated he first observed the violation on March 6th, 2022 and as of March 8th they were no longer advertising. He stated the advertising had 1 review, the nightly rate was \$214, check in time was 3 pm and check out time is 11 am. He stated the violation is irreparable and irreversible in nature and is requesting a one-time fine in the amount of \$1,000.

Mr. Estrada stated he did not want to hear Mr. Jackson's irreparable and irreversible argument again. He stated he moved to Daytona seeking a family atmosphere and he lives alone in this country. He stated he came for good jobs and he is looking for jobs and made a mistake not to investigate the laws. He stated he lives in the home.

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 8, 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 # 48 - RTL 04-22-85 - Joel Lovett is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1504 Edgewater Rd.** Violation(s) – Zoning violation - the property is zoned MFR-12. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 3/14/2022.

Mr. Joel Lovett came forward and was sworn in.

Inspector Recanzone stated he found the advertising online on March 12th and as of March 13 were no longer advertising. He stated he is requesting a one-time fine in the amount of \$1000 for an irreparable and irreversible violation.

Mr. Lovett waived repetition of Mr. Jackson's argument and stated he cancelled the advertising and applied for a long term permit.

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 13, 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 # 49 - RTL 04-22-87 - Commonwealth Trust Services LLC TR is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **941 E Millard Ct.** Violation(s) – Zoning violation - the property is zoned MFR-20. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 3/14/2022.

Mr. Sergei Garbar came forward and was sworn in.

Inspector Recanzone stated he first observed the advertising on March 11, 2022 and as of March 15th was no longer advertising. He stated on March 14th there were 67 reviews, the nightly rate was \$193 and rules state check in time is after 4 pm and check out time is 11 am. He stated the violation is irreparable and irreversible and is requesting a one-time fine in the amount of \$1000.

Mr. Garbar waived Mr. Jackson's irreparable and irreversible argument and stated he agrees with the \$1000 fine. He stated the property is on the market to be sold.

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 15, 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 # 50 - RTL 04-22-88 - Lillie J Little is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **219 S Oleander Ave.** Violation(s) – Zoning violation - the property is zoned BR-2. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 3/14/2022.

Ms. Lillie J Little came forward and was sworn in.

Inspector Recanzone stated he first observed the advertising on March 12th and as of March 15th was no longer advertising. He stated on March 14th there were 2 reviews, the nightly rate was \$200, check in after 4 pm and check out at 11 am. He stated the nature of the violation is irreparable and irreversible and is asking for a one-time fine in the amount of \$1000.

Ms. Little waived repetition of Mr. Jackson's irreparable and irreversible argument and stated she did not know she wasn't allowed to rent.

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 15, 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 # 51 - RTL 04-22-104 - Peter W Russell, Ashley Russell & Valerie O'Neil is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **412 Eastwood Ln.** 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 – 4/6/2022.

Mr. Peter Russell and Ms. Ashley Russell came forward and were sworn in.

Inspector Recanzone stated he first observed the advertising on April 6 and as of April 7 was no longer online. He stated on April 6 there were 8 reviews, a nightly rate of \$171, check in time was 3 pm and check out time 10 am. He stated the violation is irreparable and irreversible in nature and is asking for a one-time fine in the amount of \$1000.

Mr. Russell stipulated to Mr. Jackson's irreparable and irreversible argument.

Mr. Riggio stated he would take Mr. Jackson's argument into consideration.

Mr. Russell stated he relocated to Florida, to Port Orange and it took him 5 or 6 months to put everything in the home and he rented the house to regain his expense. He stated he only listed the home for 6 months. He asked to be given community service instead of a fine.

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 April 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.

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

The meeting was adjourned at 5:14 pm