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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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## June 28, 2022 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney

Scott W. Lee, Police Captain

Evan Gilbert, Police Officer

Mr. Denzil Sykes, Neighborhood Services Manager

Mr. Clifford Recanzone, Rental Inspector

Ms. LaWanda Tomengo, Rental Inspector

Mr. Steven Cole, Rental Inspector

Ms. Sara Kirk, Code Inspector

Ms. June Barnes, Board Secretary

Mr. Joe Graves, Audio/Visual

Mr. Charles Smarr, Audio/Visual

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 9:03 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 # 15 - 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.

*Compliance 6-27-2022*

Mr. Riggio approved the minutes of the May 24, 2022 meeting.

The Board Secretary swore in members of the staff who will be testifying.

Mr. Riggio called the new cases.

**CASE # 1 - RTL 06-22-139 - Jesse Perez & Estella Perez** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **331 Braddock Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/2/2022.

Ms. Jessica Gow came forward and was sworn in.

Inspector Tomengo stated that the case was opened 1/31/2022 and is an unlicensed rental property. She stated she has had communication and received an email from Ms. Gow stating she was assisting them in acquiring a use determination. She stated she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Gow stated they wrote a license use verification letter and expects to hear something before the next cutoff.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by July 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 06-22-133 - James L Mayrand & Joanne L Mayrand** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **327 Frances Ter.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/2/2022.

Respondent was not present.

Inspector Tomengo stated she opened the case in January of 2022 as a tenant complaint. She stated this is an unlicensed rental property and she spoke to the tenant who stated the utilities were disconnected by the owner. She stated that she called the owner of the property and the voicemail was full on February 20, 2022. She stated she posted the property for hearing on June 6 and there are items at the property that need repair. 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 July 20, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CASE # 3 - RTL 06-22-134 - Betty Williams Prince** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **509 Maple St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/9/2022.

Ms. Betty Prince came forward and was sworn in.

Inspector Tomengo stated she opened the case on May 9, 2022 as an unlicensed rental property. She stated she has had communication and that work had been done without permits. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Prince stated she has been working on the violations outside and is now working on finding a contractor for the stairs.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by July 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 06-22-135 - Walk to the Beach LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **503 Vermont**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/19/2021.

Mr. Mike McCauley, owner, came forward and was sworn in.

Inspector Tomengo stated she opened the case in May of 2021 as an unlicensed rental property. She stated the owner filed for license and inspection on February 24, 2022. She stated the inspection failed and has an ongoing issue with the upstairs tenant and no access. She stated she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. McCauley stated he filed for eviction and the tenant blocked access to the unit. He stated he should have some response within 15 days and asked for a continuance.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by July 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 06-22-138 - Mary Angela Gamble & Timothy D Hudson Sr.** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **219 Haynes St**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/6/2022.

Ms. Mary Angela Gamble came forward and was sworn in.

Inspector Tomengo stated she opened that case in January of 2022 due to a tenant complaint. She stated this is an unlicensed rental property and she had communication with Mr. Hudson on March 3 regarding a request for license. She stated no application has been submitted. She stated she posted the property on June 15<sup>th</sup> for hearing and spoke to a female occupant who stated she pays rent to Mr. Hudson. She stated she had contact on June 17 with Ms. Gamble and she stated she was not aware of anyone living there. She stated she is asking for a Finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Gamble stated she had a relative, cousin, living in the house and he was stealing stuff. She stated he admitted to having a girlfriend living there.

Inspector Tomengo stated there is currently a running fine on a previous code case and that she confirmed with the owner that the property was being rented.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by July 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 06-22-123 - Katelynn Scott** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **619 Brentwood Dr**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/28/2022.

Respondent was not present.

Inspector Cole stated he opened the case on April 4<sup>th</sup>, 2022 and the last inspection was held on June 21, 2022. 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 July 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 06-22-125 - Redesign Enterprise LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **550 N Ridgewood Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/6/2022.

Ms. Lenyra Southard, partner, came forward and was sworn in. She stated the property is not a rental property and she is waiting for money to be moved to fix the property. She stated her mother passed and things have been tied up in another state with her inheritance.

Inspector Cole stated the case started as a complaint of people urinating on the lawn and no water utilities on the property. He stated he spoke to someone, available on his axon video, who stated they took \$350 out of his account to sleep there.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by July 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 06-22-126 - Autinomics LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **531 Janice Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/29/2022.

Mr. Mark Noel, owner, came forward and was sworn in.

Inspector Cole stated the last inspection was April and was in Non-Compliance. He stated there has been no rental license applied for and is asking for a Finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Noel stated the hold-up is the Zoning Department and he has applied to use his Mother-in-Law suite as a rental. He stated he tried to pay for the license.

Captain Scott Lee stated the zoning reviews for ADU's were delayed and stated they would be done by the next meeting.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by July 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 06-22-132 - Bat Development LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **640 Tanglewood St & 644.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/13/2022.

Respondent was not present.

Inspector Cole stated Compliance was due May 27, 2022. He stated the last inspection was June 21, 2022 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 July 20, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

**CONTINUED CASES:**

**CASE # 10 - 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, Property Manager, came forward and was sworn in.

Inspector Tomengo stated she received correspondence by email that Mr. Wollard was in communication with the Planning and Zoning Technical team regarding re-zoning review on July 5. She stated she is requesting to amend to the next cutoff for Compliance.

Mr. Wollard stated his Redevelopment District use is layered and he is meeting with TRT to seek rezoning of a 93 year old property.

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

**CASE # 11 - 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 constant communication with the Respondents and there are several moving parts to this case. She stated she confirmed the roof had been repaired and the permit was finalized June 8, 2022. She stated there is an eviction under way. She stated the Rental License had been denied due to the allowed use within the zoning area. She stated she received an email from Mr. Fulford that the license has been applied for and is asking to amend to the next cutoff for Compliance.

Mr. Fulford expressed his thanks.

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

**CASE # 12 - RTL 05-22-116 - Evangelin R Wiggins** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **837 School St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/9/2022.

Ms. Evangelin Wiggins came forward and was sworn in.

Inspector Tomengo stated there is an issue of a shed that is in bad condition. She stated the Respondent has contacted Permits & Licensing as to how to get rid of it and would like to amend to the next cutoff for Compliance.

Ms. Wiggins agreed.

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

**CASE # 13 - RTL 05-22-117 - William Glass Morrison III** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **860 Magnolia Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/23/2021.

Respondent was not present.

Inspector Tomengo stated she inspected the property on June 20<sup>th</sup> and there is an extensive list that needs to be remedied such as the roof, windows and other things.

Mr. Riggio asked if this is the gentleman who inherited the property from his father.

Inspector Tomengo stated yes and asked to amend to the August 17, 2022 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 August 17, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 14 - RTL 05-22-119 - Uzair Shuja** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **116 & 118 Emmett St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/2/2021.

Respondent was not present.

Inspector Tomengo stated she has had no contact and no application for Rental License. She stated the property appears to be occupied and rented 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 June 28, 2022 until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

**CASE # 16 - 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. Ralph Chiaia, Mr. Andy Liu and Mr. Wilson Zorilla, owners of Daytona 19 LLC, appeared via Zoom and were sworn in.

Ms. Tomengo stated she has been in constant contact with the owners. She stated this is a 4-unit property and is undergoing eviction and expects to have final possession by June 22, 2022. She stated she received documentation from Mr. Zorilla regarding towing for the unlicensed cars and an estimate from Daytona Windows for unit 4. She stated the parking surface has been returned and she is requesting to amend to the next cutoff.

Mr. Chiaia, Mr. Liu and Mr. Zorilla agreed.

Inspector Tomengo added that she pulled the record for the permit for the handrails and the City is waiting for corrections and they should contact their contractors to make sure that is handled.

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

**CASE # 17 - 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.

Respondent was not present.

Inspector Cole stated he has been in contact and progress has been made. He stated the owner has submitted an application for an Auxiliary Dwelling Unit and is asking to amend to the next cutoff for Compliance.

Captain Lee apologized for the inconvenience in the delay of reviewing the application.

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

**CASE # 18 - 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.

Respondent was not present.

Inspector Cole stated the owner has a license and the property is vacant. He stated they passed rental inspection and is asking to amend the order of Non-Compliance 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 July 20, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 19 - 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.

Mr. Daniel Weinshen, agent for owner, came forward and was sworn in.

Inspector Cole stated he has had no contact with the owners and there is currently an open code case. He stated he is requesting a fine in the amount of \$100 to a maximum of \$15,000.

Mr. Weinshen stated they applied for a license on April 27 and paved the parking lot.

Mr. Riggio asked if the property was occupied.

Mr. Cole stated yes.

Captain Lee stated they applied for additional parking but it has not been approved, issued or finalized. He stated questions were sent from Permits & Licensing on April 29, and May 25. He stated corrections were submitted June 23. He stated the last note in the file stated connection approved but must comply with standards.

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

**CASE # 20 - RTL 05-22-111 - Luther E Bradley** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **613 Butler Blvd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/22/2022.

The Board Secretary apologized for not having changed the name on the case to Bradley E Luther.

Mr. Brian Luther, brother, came forward and was sworn in.

Inspector Cole stated he has had contact with the Respondent and he has submitted an application. He stated he is asking to amend to the next cutoff.

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

**CASE # 21 - RTL 05-22-112 - The Dogg Pound LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **725 N Peninsula Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/31/2021.

Respondent was not present.

Inspector Cole stated he has had no contact with the owner and no progress. He stated the property is occupied and 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 June 28, 2022, until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

**CASE # 22 - 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.

Respondent was not present.

Inspector Cole stated the owner has work to do and asked 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 July 20, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 23 - 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 state he would like to give them time for repairs and amend to the August 23, 2022 cutoff.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 23, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 24 - 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 no contact with the respondent and based on recommendations from other staff, he needs more time.

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

## LR-1

**RTL 04-17-25 – 430 Marion Street, 2 - Kinsey Whaley** is cited for failure to correct violations of Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.7, 504.1, 604.3, 605.2, 309.1, 309.2); Art. 6 Sec. 6.19.A.3; Art. 6 Sec.6.19.A.4; City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at.

Violation(s) – Roofs and drainage; plumbing systems and fixtures; electrical system hazards; receptacles; infestation; site appearance standards; structural appearance standards; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL). First Notified – 1/5/2017. **Order Imposing Fine/Lien effective June 8, 2017 of \$100 per day to a maximum of \$15,000.00. Compliance = June 8, 2022. Amount due - \$15,000 plus \$24 recording fees plus \$3,537.02 interest on 1<sup>st</sup> lien = \$18,561.02.**

Captain Lee stated this request has been discussed with staff and both parties agreed to reduce the amount of the lien to \$9,000.

Mr. Riggio asked if the property was in Compliance and Captain Lee stated yes.

Mr. Whaley agreed.

**DISPOSITION:** The Special Magistrate reduced the amount of the lien to \$9,000 payable within 30 days or the fine reverts back to the original amount.

Mr. Riggio adjourned the morning session at 10:30 a.m.

6. **Adjournment until 1:30 p.m.**

7. **Call to Order – afternoon session**

The meeting was resumed at 1:30 p.m.

Members of the staff who will testify were sworn in

Mr. Riggio called the first Irreparable and Irreparable case.

**CASE # 25 - RTL 05-22-120 - Lee Roopchand & Racheal Sumintra Lall-Roopchand** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **103 Mason Park 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 – 5/9/2022.

Ms. Racheal Lall-Roopchand came forward and was sworn in.

Mr. Riggio stated the case was continued from the May hearing because the property had been found on 2 websites, Airbnb and Booking.com.

Inspector Recanzone stated the Airbnb sit had been taken down quickly and there was testimony as to what it takes to take down the Booking.com pictures. He stated the listing was removed from Booking on the day of the hearing.

Ms. Lall-Roopchand stated Booking.com requires 10 days to remove even though the property is not available to rent.

Mr. Riggio asked how difficult it was to remove.

Inspector Recanzone stated they had a conversation with the owner and the pictures were removed the same day. He stated he is requesting a fine in the amount of \$4,000 since the property remained since Notice until Hearing.

Ms. Lall-Roopchand stated she did not know she had to take out the descriptions and pictures.

Captain Lee stated the Respondent should have complied with the law before it was ever posted. He stated once put out there cannot be taken back.

Mr. Jackson stated the request is applicable since the property was already in Non-Compliance and this is longer than an immediate response.

Ms. Lall-Roopchand stated she had nothing further.

Mr. Riggio stated there were multiple web violations and holding the property out is the violation.

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$4,000, payable within 30 days, be imposed and that the property is in Compliance as of May 30, 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 # 26 - RTL 06-22-129 - Fahima Mouhoub & Neila Djihane Bennamane** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **38 S Grandview Ave.** Violation(s) – Zoning violation - the property is zoned RDB-6. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 5/26/2022.

Respondent was not present.

Inspector Recanzone stated the property is located in zoning district RDB-6 and short-term rentals are not allowed. He stated he first observed the listing on May 21<sup>st</sup> and as of May 22<sup>nd</sup> was not actively advertising. He stated the website shows 9 reviews and a rate of \$225 per night. He stated the rules are check-in time after 5 and check-out time is 11 a.m. He stated this is a Repeat Violation to previous case # RTL 05-21-101 where they were fined \$10,000.

Mr. Jackson cited his irreparable and irreversible argument and explained that they adopted state law definitions.

Mr. Riggio stated he would consider the argument and the City's position in his decision. He stated this is the second time the property has been cited and asked if this was a new posting.

Inspector Recanzone stated yes that he reviewed the property on April 5<sup>th</sup> and compared the property number, nightly rate and stated the host photo was removed. He stated he found it on the weekend and it was taken down during the week.

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$15,000, payable within 30 days, be imposed and that the property is in Compliance as of May 22, 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 # 27 - RTL 06-22-124 - Jake L Coleman & Hugh A Coleman** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **323 Boylston 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 – 5/18/2022.

Mr. Jake Coleman came forward and was sworn in. Mr. Hugh Coleman appeared via Zoom and was sworn in.

Inspector Recanzone stated the property is located in zoning district SFR-5 and short-term rentals are not allowed. He stated he first observed the listing on June 7<sup>th</sup> and as of June 6<sup>th</sup> was not actively advertising. He stated the website shows 4 different reviews and a rate of \$519 per night. He stated the rules are check-in flex out by 10 a.m. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$7,000. He stated the advertising was active after posting.

Mr. Jackson asked if the Respondents needed him to repeat his irreparable and irreversible argument and the Respondents waived repetition.

Mr. Hugh Coleman stated he didn't realize it was not allowed and took it down prior to the 7th. He stated Airbnb did not tell him it was not allowed either.

Inspector Recanzone stated after posting the website changed. He stated some pictures were removed, the nightly rate changed and host's picture was review. He stated there was also a new review.

Mr. Jake Coleman stated they tried to take it down.

Mr. Riggio stated twenty-some days is not a simple mistake.

Mr. Glen Haggler came forward and was sworn in. He stated he was Mr. Jake Coleman's financial advisor. He stated the price changed to attract more people and they adjust the pictures depending on the response of visitors.

Mr. Hugh Coleman stated they had difficulty getting it down and since his name is on the property what would happen. He stated that the Notice was dated differently than the date it was received. He stated it was dated in May and he did not receive until June.

Mr. Jackson stated that the City has the ability to seek foreclosure within 90 days if the property is liened but not paid.

Captain Lee stated that the zoning in the area does not allow for the use of short-term rentals.

Mr. Riggio stated the owner was notified on May 18<sup>th</sup> and was posted significantly before the advertising was taken down.

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$7,000, payable within 30 days, be imposed and that the property is in Compliance as of June 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. Jake Coleman asked for a rehearing.

Mr. Riggio stated he would hear testimony only regarding the gap period.

Inspector Recanzone stated as of June 6<sup>th</sup>, the posting was still on the door and the property was still on Airbnb.

**CASE # 28 - RTL 06-22-127 - Barbara D Staed & Jackson Bush** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **134 Sunrise 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 – 5/26/2022.

Mr. Jackson Bush appeared via Zoom and was sworn in.

Inspector Recanzone stated the property is located in zoning district SFR-5 and short-term rentals are not allowed. He stated he first observed the listing on May 25<sup>th</sup> and as of June 3<sup>rd</sup> was not actively advertising. He stated the website shows 3 different reviews and a rate of \$301 per night. He stated the rules are check-in after 4 and check-out by 11 a.m. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$5,000.

Mr. Bush stated he heard Mr. Jackson's irreparable and irreversible argument and waived repetition. He stated his tenants rented it. He stated he spoke to them on the 31<sup>st</sup>.

Inspector Recanzone stated he received a call from Mr. Bush on the 31<sup>st</sup>.

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$3,500, payable within 30 days, be imposed and that the property is in Compliance as of June 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.

**CASE # 29 - RTL 06-22-128 - Barbara D Staed & Jackson Bush** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **132 Sunrise 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 – 5/26/2022.

Inspector Recanzone stated he first observed the listing on May 25<sup>th</sup> and as of June 3<sup>rd</sup> was not actively advertenting. He stated the website shows 1 review and a rate of \$317 per night. He stated the rules are check-in after 3 p.m. and check-out by 11 a.m. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$3,500.

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$3,500, payable within 30 days, be imposed and that the property is in Compliance as of June 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.

**CASE # 30- RTL 06-22-130 - Milisa Carter** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **221 Congress Ave.** Violation(s) – Zoning violation - the property is zoned BA. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 5/26/2022.

Ms. Milisa Carter came forward and was sworn in.

Inspector Recanzone stated he first observed the listing on May 26<sup>th</sup> and as of May 27<sup>th</sup> was no longer advertising. He stated the website shows 2 reviews and a rate of \$321 per night. He stated the rules are flex-in and check out 10 a.m. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$1,000.

Ms. Carter said she took it off the 27<sup>th</sup>.

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed and that the property is in Compliance as of May 27, 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 # 31 - RTL 06-22-131 - White Birches LLC** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **409 Earl St.** Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 6/6/2022.

Mr. Roger Halstead appeared via Zoom and was sworn in. He stated he has been a tenant for about 2 months. He stated he has a place in Georgia and he goes back and forth to Atlanta. He stated he told James, the owner that he would appear and take care of things in court. He stated the notice went to Justine Green. He stated he took the ad off right away and since it was in front of the convention center he thought it was allowed.

Inspector Recanzone stated he spoke to the property owner and explained the property was zoned RP. He stated first observed the listing on June 2<sup>nd</sup> and as of June 7<sup>th</sup> was no longer advertising. He stated the website shows 1 review and a rate of \$129 per night with a fee of \$30 for early check in and \$50 for late check out. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$1,000.

Mr. Halstead waived repetition of Mr. Jackson's irreparable and irreversible argument and stated his lease was up in August and that he was just trying to transition.

**DISPOSITION:** After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed and that the property is in Compliance as of June 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 is any Miscellaneous Business.

Captain Lee stated he would like to discuss moving the Lien Reviews to the front of the agenda.

Mr. Riggio expressed a concern if they are lengthy and people have to wait.

Captain Lee stated they are meeting with the Respondents in advance to try and reach a stipulation which hopefully will make the cases flow easier.

Mr. Riggio stated he would agree to moving them to the front if there has been agreement between the Respondent and the City to resolve the lien but, if it may take hours, he would like them all at the end of the agenda.

The meeting was adjourned at 3:28 p.m.