
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

July 26, 2022 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney

Scott W. Lee, Police Captain

Cortland Lampe, Police Officer

Mr. Denzil Sykes, Neighborhood Services Manager

Mr. Clifford Recanzone, Rental Inspector

Ms. LaWanda Tomengo, Rental Inspector

Mr. Steven Cole, Rental Inspector

Ms. June Barnes, Board Secretary

Mr. Joe Graves, Audio/Visual

Mr. Charles Smarr, Audio/Visual

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 9:05 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 # 5 - RTL 07-22-143 - Kerry R Lynch is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **120 Botefuhr Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/6/2022.

Compliance 7-21-2022

Mr. Riggio approved the minutes of the June 28, 2022 meeting with minor corrections.

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

Mr. Riggio called the new cases.

CASE # 4 - RTL 07-22-142 - Peter Presunka and Carol Presunka, as trustees of the Presunka Family Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **605 Braddock.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/3/2022.

Ms. Jessica Gow, attorney, came forward and was sworn in.

Inspector Tomengo stated she opened the case on January 21, 2022 as a tenant complaint. She stated there is no Rental License on file and no inspection was conducted. She stated she conducted an inspection ^{ON} of March 28, 2022 and there were violations. She stated she has been in contact with the Property Manager via email on June 8th and has had no response. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Gow stated the tenant moved out on May 29th and there is no one in the home. She stated the roof repair was completed.

Mr. Riggio asked how long she thinks the repairs will take.

Ms. Gow stated the roof leak and pipe leak were repaired and the property should be in Compliance.

Mr. Jackson stated that the property's last use was established as a rental.

Ms. Gow stated they are interviewing for a new Property Manager.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by August 17th, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 7 - RTL 06-22-139 - 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.

Inspector Tomengo stated she had received an email from Ms. Gow that the use has been approved as a duplex for rental and that she would coordinate the inspection and asked to amend to the next cutoff for Compliance.

Ms. Gow stated that was acceptable.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 17th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 1 - RTL 07-22-151 - Craig D Conway is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **539 Mark Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/4/2022.

Mr. Tom Pelchin, Representative for Mr. Conway who lives out of town, came forward and was sworn in.

Inspector Cole stated he opened the case on February 4th. He stated the property is occupied and work has been done. He stated he is asking for a Finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Pelchin stated he spoke to Inspector Cole and Brian, Craig's maintenance person, has taken care of windows and paint but he is not sure of any other work that had been done.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by August 17th, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 2 - RTL 07-22-153 - Iqbal Sardara is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **416 S Martin Luther King Blvd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/7/2022.

Mr. Mohammed Kahn, husband to owner, and Ms. Maria Johnson, tenant, came forward and was sworn in.

Inspector Cole stated he opened the case on June 7, 2022 as a tenant complaint. He stated he inspected the property on July 26th and there is no Rental License on file with the City. He stated he is asking for a Finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Kahn stated she said she will be out by now and then we will fix the house.

Inspector Cole stated there are numerous violations on the property including life-safety issues such as no smoke detectors.

Mr. Kahn stated he immediately replaced the smoke detectors.

Ms. Johnson stated she was placed in the property by Orlando Homeless Coalition who signed a lease for her. She stated she did not understand the meaning of "as is" and has no working stove. She stated he changed the deed to his wife's name. She stated her gas bill last month was \$220 and Mr. Kahn refuses to fix the items. She stated the refrigerator does not work and Mr. Kahn has been paid \$12,263 since she moved in but the property is inhabitable. She stated it is infested and that she is moving at the end of the month. She stated since she moved in previous tenants have spoken to her. She held up a copy of a file folder and indicated that was her health file since she has moved in the property. She stated it took about a week to put in the smoke detectors.

Mr. Riggio asked if the entity knew the City has a license program.

Ms. Johnson stated there were also questions about ownership. She said originally the property was in his son's name. She stated yesterday in court at the eviction he represented the property as being for sale and today he stated the property is in his wife's name.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by August 17th, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 3 - RTL 07-22-141 - Nottingham Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **133 Fairview Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/28/2022.

Respondent was not present.

Inspector Tomengo stated she opened the case on February 2nd as a tenant complaint. She stated this is an unlicensed rental property. She stated the property failed inspection on March 29th and has not scheduled a re-inspection. She stated she had communication after posting by the Property Manager who stated there was a delay in ordering windows. She stated she received a copy of the window contract where they were ordered and a deposit was made. 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 August 17th, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 6 - RTL 07-22-144 - Ana Rosa Randolph Revocable Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **125-127 Silver Beach Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/3/2022.

Ms. Ana Rosa Randolph and Mr. Axel Rosa came forward and were sworn in.

Inspector Tomengo stated as of December 8, 2021 the property is unlicensed. She stated a rental inspection on May 19 failed. She stated she has had contact with Axel Rosa when she posted the property and no re-inspection has been scheduled. She stated the Respondents are currently in progress of coordinating with contractors for a retaining wall and she is asking for a Finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Riggio asked if the property was occupied.

Inspector Tomengo stated yes.

Mr. Rosa stated there is problem with encroachment when the street was put in. He stated he spoke to the Commission and all the work is done except for the wall.

Ms. Randolph stated she missed paying the bill for renewal and that she had changed the number of units on the application.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by August 17th, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

Mr. Riggio called the first continued case.

CASE # 8 - 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.

Respondent was not present. The Board Secretary indicated an email she received the morning of the hearing shortly after 9 pm asking when the next meeting was.

Inspector Tomengo stated she would be asking to amend to the next cutoff for Compliance.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 17th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 9 - 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.

Respondent was not present.

Inspector Tomengo stated she has had no contact with the Respondent and there has been no license application submitted. She stated the property is tenant occupied and is asking for a fine in the amount of \$200 per day to a maximum of \$15,000.

DISPOSITION: The Special Magistrate imposed a fine in the amount of \$200 per day, effective July 26, 2022, until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

CASE # 10 - 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. Byron McCauley, brother, came forward and was sworn in.

Inspector Tomengo stated she has been in contact and repairs had been made except for the heaters. She stated she is asking to amend to the next cutoff for Compliance.

Mr. McCauley gave a progress report on the repairs.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 17th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 11 - 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.

Respondent was not present.

Inspector Tomengo stated she has had contact with Ms. Gamble who stated at the last hearing that she was not aware that people were renting the property. She stated she filed an eviction and there was another civil matter with an injunction. She stated she is asking to amend to the next cutoff for Compliance.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 17th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 12 - 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 Fulton and Mr. Morris Fulton came forward and were sworn in.

Inspector Tomengo stated she has been in contact with Mr. Fulford and the property does not qualify as a duplex. She stated they are pursuing other avenues. She stated she was able to access the Volusia Clerk of Court eviction as of 4/26 and motion for default. She stated she is requesting to amend to the next cutoff for Compliance.

Mr. Fulton stated they went through the use and Zoning requirements and would like to withdraw the Rental Application.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 17th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 13 - 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.

Respondent was not present.

Inspector Tomengo stated she had contact with the Respondent yesterday and the shed has been removed. She stated she is waiting for the final on the building permit and is asking to amend to the next cutoff for Compliance.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 17th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 14 - 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 has had no contact and there has been no license applied for. She stated she is asking for a fine in the amount of \$200 to a maximum of \$15,000.

Mr. Riggio asked if there were violations on the property.

Inspector Tomengo stated there has been no inspection and this was a tenant complaint that their utilities were turned off. She stated she posted the property and indicated on the overhead photo that there were personal items there. She stated there is an active water account for the property.

DISPOSITION: The Special Magistrate imposed a fine in the amount of \$200 per day, effective July 26, 2022, until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

CASE # 15 - 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, Manager of the Trust, came forward and was sworn in.

Inspector Tomengo stated she has had communication with Mr. Wollard and that he completed TRT. She stated she received an email yesterday from the planner which contained options for the use of the property. She stated she is asking to amend to the next cutoff.

Mr. Wollard stated he has multiple steps remaining.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 17th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

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

Respondent was not present.

Inspector Cole stated he has had contact with the Respondent and there has been progress. He stated the property was recently sold to a new owner however the deed has not been recorded yet to add the new owner to the case.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 17th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 17 - 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.

Inspector Cole stated he has had contact with the owner and the property is occupied. He stated there has been no progress and no rental application. He stated the utilities and water is on per Utility Billing's Barbara Bonner but no usage on the property for years. He stated he is asking for a fine in the amount of \$100 to a maximum of \$15,000.

Ms. Southard stated she has water and has paid the water bill. She stated people went there and didn't finish.

Captain Scott Lee was sworn in. Captain Lee stated that the Inspector spoke to a gentleman living there who stated \$350 is deducted every month from his debit card. He stated the last established use on the property was a rental and the City is asking for a fine.

Inspector Cole stated the gentleman is Mr. Conkle and he spoke to him yesterday. He reminded the Magistrate at the last hearing that he determined it was a rental property.

Mr. Riggio stated he does not care what they do in the future but the owner is responsible.

DISPOSITION: The Special Magistrate imposed a fine in the amount of \$50 per day, effective July 26, 2022, until Compliance is achieved or the fine reaches the maximum amount of \$15,000.00.

CASE # 18 - 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.

Respondent was not present.

Inspector Cole stated the property is occupied and he has had email contact with the Respondent. He stated they have applied to use the property as an ADU and is asking to amend the case to the next cutoff for Compliance.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 17th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 19 - RTL 01-22-25 - R Lawrence Vandenberg is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **299 Woodland Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/6/2021.

Mr. Lawrence Vandenberg came forward and was sworn in.

Inspector Cole stated he has had contact with the Respondent, the property is occupied and has applied for ADU determination. He stated he is requesting to amend to the October cutoff so that he can obtain the necessary permits.

Captain Lee stated they expected to have the outcome of the permits taken care of after the hearing and that he would take him downstairs to try and speed up the process.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by October 19th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 20 - 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, came forward and was sworn in.

Inspector Cole stated he has had contact with Mr. Weinshen and the property is occupied. He stated there has been progress on the driveway and when the permits are finalized the license will be issued. He stated he is asking to amend to the next cutoff for Compliance.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 17th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 21 - 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 the property is vacant and he has had contact. He stated repairs are needed on the property and is asking to amend to the next cutoff for Compliance.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 17th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 22 - 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 the property is occupied and was sold on June 10, 2022. He stated he is asking to amend to the next cutoff.

The Board Secretary stated she has a copy of the recorded deed to Mr. Darius Marcel Robinson in order to add him to the case.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 17th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. It is further ordered that the new owner Darius Marcel Robinson be added to the case.

CASE # 23 - 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 Ray Teel appeared via Zoom and was sworn in.

Inspector Cole stated the property is vacant and he has had contact with the Respondent. He stated on July 19, 2022 the property failed inspection. He stated there are no violations on the unit in the back but the front needs some repairs. He stated he is asking to amend to the next cutoff for Compliance.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 17th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 24 - RTL 05-22-111 - Bradley E Luther 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.

Mr. Brian Luther, brother, and Mr. Mark Allen Kays, witness, came forward and were sworn in.

Inspector Cole stated the property is occupied. He stated at inspection on July 21st the property did not pass due to two life-safety issues – smoke detectors and windows screwed shut from the outside. He stated he is requesting the life safety issues be remedied immediately.

Mr. Riggio expressed his concern over smoke detectors.

Mr. Luther stated he wasn't aware until the inspection.

Mr. Kays stated the problems with the property have been ongoing for four years. He stated they have contacted him via email and he has refused to make the repairs. He stated he also has ignored a deck that is in disrepair that he actually fell through and was injured. He stated they had the wrong insurance and his wife is on the insurance but not the deed. He stated as of the beginning of July they have paid \$10,000 in rent and been intimidated. He stated the AC is not working and they denied fixing it.

Mr. Jackson requested 3 days for the smoke detectors and 5 days for the windows.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 17th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. It is further ordered that the missing smoke detectors inside and outside of the bedroom be installed and working by July 29th and that by July 31st, lawful and proper egress from the bedroom window must be remedied or a fine in the amount of \$100 per day will automatically be imposed until the property is in Compliance or the fine reaches a maximum amount \$15,000.

CASE # 25 - 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 he has had contact and that the owner intends to submit an Affidavit Not To Rent. He stated he is requesting to amend to the next cutoff for Compliance.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 17th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

The meeting was recessed at 10:49 a.m.

The meeting resumed at 1:34 p.m.

Members of the staff were sworn in.

IRREPARABLE/IRREVERSIBLE

CASE # 26 - RTL 07-22-148 - Jeneve Jaja-Batton is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1200 Imperial 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 – 6/30/2022.

Ms. Jeneve Jaja came forward and was sworn in.

Inspector Recanzone stated this case is a repeat violation. He stated the advertising was first observed on June 19th at 3:44 am. He stated as of June 20th they were no longer advertising. He stated he found the listing again on Sunday June 26th at 10:34 am and as of June 27th were no longer advertising. He stated the listing had 78 views and the last observed advertising had 66. He stated the rate is \$397 and the last observed advertising was \$50. He stated rules state check in time is 3 pm to 11 pm and check out is 11 am. He stated the property was last found in Non-Compliance in May of 2022, case # RTL-05-22-114. He stated he is requesting a fine in the amount of \$15,000 for irreparable and irreversible and as a repeat violation.

Mr. Jackson gave his argument as to why the City considers this violation as irreparable and irreversible in nature. He stated the advertising was supposed to be removed months ago and based on the comments from visitors indicate the violation is continuing.

Ms. Jaja stated she has 3 jobs and has to Airbnb the property to cushion her expenses. She stated the inspector, nor the Board Secretary, would return her calls.

Mr. Riggio stated he has no authority to waive the ordinance.

Mr. Jackson corrected the amount of the previous fine from \$15,000 to \$5,000.

DISPOSITION: After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He stated the violation is a repeat violation and 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 June 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 # 27 was called but there were audio difficulties with the Zoom link and the Magistrate moved on to case 28 so they could be resolved.

CASE # 28 - RTL 07-22-150 - Leanne F Helmes is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **131 S Hollywood 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 – 6/30/2022.

Respondent was not present.

The Board Secretary stated Ms. Helmes called in this morning and was unavailable this afternoon but the inspected was not present to hear the case. She stated she spoke to Ms. Helmes on the phone and agreed to ask for a continuance to the next meeting on her behalf.

DISPOSITION: The Special Magistrate ordered that the case be continued to the August 23, 2022 meeting.

CASE # 29 - RTL 07-22-140 - 516 Phoenix LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **516 Phoenix 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 – 6/8/2022.

Ms. Elaine Enrica, attorney, appeared via Zoom.

Inspector Recanzone stated he first observed, and Noticed, the violation on June 8, 2022. He stated as of July 19th they were no longer advertising on VRBO. He stated there were 2 reviews and the rate was \$118 per night. He stated the rules on the page show check in time of 4 pm and check out time of 11 am. He stated the violation is irreparable and irreversible and he is requesting a fine in the amount of \$10,000.

Mr. Riggio asked if there was no further action after June 19th.

Inspector Recanzone stated yes, he had contact with the Respondent and they removed the advertising.

Mr. Riggio stated there was a gap between June 8th and July 19th.

Mr. Jackson asked Ms. Enrica if she would like him to repeat the City's irreparable and irreversible argument and she waived repetition.

Ms. Enrica stated the property was advertised but they no longer accepted bookings once notified. She stated not taking the advertising down was inadvertent.

Mr. Jackson stated the Respondent was told to cease advertising but the advertising remained and the City believes the fine is reasonable.

Mr. Riggio stated the holding out of the property for rent is prohibited Florida Statute.

Ms. Enrica asked for the fine to be reduced.

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 \$10,000, payable within 30 days, be imposed and that the property is in

Compliance as of June 19, 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 07-22-147 - Carlos Espada & Luisa Rincon Espada is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **210 Auditorium Blvd.** Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 6/23/2022.

Ms. Luisa Espada came forward and was sworn in.

Inspector Recanzone stated he first observed the violation on June 19th at 3:30 am. He stated as of June 23rd they were no longer advertising. He stated there was 1 review by Laura Jean in April. He stated the rate is \$205 per night and the listing shows future close dates. He stated the rules show check in time is 3 pm to 10 pm and check out time is 10 am. He stated this is a repeat violation for a case that was found in Non-Compliance on February 22, 2022 and is irreparable and irreversible. He stated at the previous meeting, the Respondents were fined \$5,000 for case # RTL 02-22-27. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$15,000.

Mr. Jackson repeated the City's argument as to the irreparable and irreversible nature of the violation. He asked the Magistrate to consider the gravity and that it is a repeat violation.

Ms. Espada stated she spoke to Airbnb and they said they made a mistake and applied the review to her property listing in error and they she has never rented the property. She stated her family came from Columbia and stayed there.

Mr. Riggio asked if the review was removed from Airbnb in February did it reappear in June.

Mr. Recanzone stated yes.

Ms. Espada stated everything was removed and she paid \$5000.

Mr. Recanzone stated there were 2 pictures removed from the original listing but the listing was only deactivated and not removed.

Mr. Jackson stated that is accomplished through checking a box.

Ms. Espada stated that is not her review.

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 found the violation was a repeat violation 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 June 23, 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 07-22-152 - Rebecca Simantob is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **506 University Blvd Unit #3.** 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 – 7/7/2022.

Respondent was not present.

Inspector Recanzone stated he has had no contact with the Respondent.

Mr. Riggio asked if the City has met the statutory guidelines required.

The Board Secretary stated yes and the property was posted for hearing.

Inspector Recanzone stated the property is still actively advertising. He stated there are 13 reviews and a rate of \$153 per night. He stated the rules show check in at 3 pm and check out at 11 am. He stated the violation is irreparable and irreversible and asked for a fine in the amount of \$15,000.

Mr. Jackson stated the City's position of why this violation is irreparable and irreversible.

Mr. Riggio stated he prefers to have the Respondent present and issued his order.

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 NOT in Compliance as of July 26, 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 07-22-145 - Xaverius Proprietates Agris LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **239 S Lanvale 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 – 6/30/2022.

Respondent was not present.

Inspector Recanzone stated he has been in contact with the property owner. He stated he observed and posted the violation on June 30, 2022. He stated there are no reviews and the daily rate is \$397. He stated rules indicate check in with smart lock. He stated the violation is irreparable and irreversible and due to the quick response of the owner is asking for a fine in the amount of \$1,000.

Mr. Jackson restated his irreparable and irreversible argument and stated since the violation was remedied the next day the City is asking for a fine in the amount of \$1,000.

DISPOSITION: After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed and that the property is in Compliance as of July 1st, 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 # 32 - RTL 07-22-146 - Trudy S Thull Trust dated 3/31/2021 is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **433 Vermont 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 – 6/29/2022.

Ms. Trudy Thull appeared via Zoom and was sworn in.

Mr. Recanzone stated he observed and notified the owner on June 29th, 2022. He stated as of July 1 they were not actively advertising on Airbnb. He stated there were 29 reviews and a nightly rate of \$205. He stated the rules show check in time between 3 pm and 12 am and check out by 10 am. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Ms. Thull waived Mr. Jackson's argument that the violation is irreparable and irreversible in nature. She stated she purchased the property with the intention to short-term rent the property and she was told that it was allowed. She stated she did not validate that and she was not aware.

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 July 1st, 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 # 33 - RTL 07-22-149 - Lauren M Wiseman & Micah D Gardner is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **916 Gibbons 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 – 7/6/2022.

Ms. Lauren Wiseman appeared via Zoom and was sworn in.

Inspector Recanzone stated he observed, and Notified, the owner on July 6, 2022. He stated as of July 7th, the property was no longer advertising on Airbnb. He stated there were 14 reviews on the property with a nightly rate of \$116. He stated rules show check in time at 3 pm and check out time at 11. Am. He stated the violation is irreparable and irreversible in nature and due to the quick response of the owner is asking for a fine in the amount of \$1,000.

Ms. Wiseman waived hearing of Mr. Jackson's irreparable and irreversible argument and stated she purchased the property and fully disclosed to Watson Realty her intention to use this property as an Airbnb and a month after she closed, she received an offer to manage the short-term rental for her which included an agreement.

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 July 7th, 2022, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

The meeting was adjourned at 3:35 p.m.