
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

August 23, 2022 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney

Cortland Lampe, Police Officer

Mr. Denzil Sykes, Neighborhood Services Manager

Mr. Mark A. Jones, Field Supervisor

Mr. Clifford Recanzone, Rental Inspector

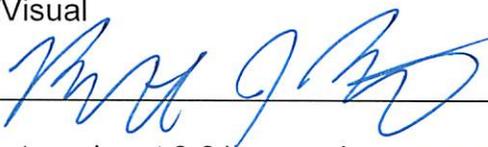
Ms. LaWanda Tomengo, Rental Inspector

Mr. Steven Cole, Rental Inspector

Ms. June Barnes, Board Secretary

Mr. Joe Graves, Audio/Visual

Mr. Xavier Campbell, Audio/Visual

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 9:01 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 # 3 - RTL 08-22-161 - Derbyshire Property LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1148 Clearwater Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/22/2022.

Compliance 8-22-2022

CASE # 19 - 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.

Compliance 8-22-2022

CASE # 20 - 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.

Compliance 8-17-2022

Mr. Riggio approved the minutes of the July 6, 2022 meeting.

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

Mr. Riggio asked if there were any attorneys present in the Chamber. He called case #12 and #13 first in order to accommodate them.

CASE # 12 - 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 there has been significant progress at the property and that she received a detail update from Ms. Gow. She stated most repairs have been completed and permits pulled on the HVAC and water heater. She stated she is asking to amend to the next cutoff for Compliance.

Ms. Gow stated all that was left is stucco and GFCI in the bathrooms.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by September 21st, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 13 - 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 has been in communication with the owner and conducted an inspection on August 12th with failed results. She stated repairs were needed on the exterior and interior and is asking to amend to the next cutoff for Compliance.

Ms. Gow stated they will continue to work and progress as there are only minor violations left to be remedied.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by September 21st, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 1 - RTL 08-22-163 - Daytona 19 LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **549 Mulberry St**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/14/2022.

Respondent was not present.

Inspector Tomengo stated the case was opened as an unlicensed rental property. She stated the property failed inspection on June 17th and there were life-safety issues. She stated this is a multi-unit property and the windows are sealed with no egress in units 1, 2 and 3 and is asking

for the windows to be able to open in case of emergency immediately since the property is occupied.

Mr. Riggio asked for clarification as to whether the windows were functionally shut or are not operational because they are sealed.

Inspector Tomengo stated they will not open. She stated the bathroom window was installed without a permit.

Mr. Anthony Jackson, City Attorney, asked the Inspector if she had had contact with anyone at the residence.

Inspector Tomengo stated there are tenants there and she has had contact with the owner.

There was discussion regarding delivering Notice to the owner.

Inspector Tomengo stated she left the results at the property but has email contact with the owner.

Mr. Jackson asked if the Magistrate could include in his order provision requiring egress of the windows within 5 days. He stated if failure to provide egress, the City would request a fine of \$100 per day to a maximum of \$15,000.

Inspector Tomengo stated there are other violations on the property and is requesting to amend to the next cutoff for the remainder.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by September 21st, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day. It was further ordered that the windows, that do not provide adequate egress and present a life-safety issue, be corrected within 3 days or a fine in the amount of \$100 per day will automatically be imposed until Compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 2 - RTL 08-22-164 - Daytona 19 LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **801 S Ridgewood Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/12/2022.

Respondent was not present.

Inspector Tomengo stated the case was opened in April and the Respondents have submitted an application for Rental License. She stated she inspected the multi-unit property on June 17th and has the same concerns of windows that are damaged and bolted. She stated some were painted sealed and there were additional violations on the property. She stated a permit had been pulled for the repair of a stairwell and that the wooden beams on the stairwell were pulling away. She stated the door was bolted shut in the kitchen.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by September 21st, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day. It was

further ordered that the life-safety issue of the blocked windows and inoperable bedroom windows and door in the kitchen which prevents proper ingress and egress be corrected within 3 days or a fine in the amount of \$100 per day will automatically be imposed until Compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 4 - RTL 08-22-162 - Choice Location Realty LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **305-301 5th Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/29/2022.

Ms. Kelsey Jolen, Property Manager, came forward and was sworn in.

Inspector Tomengo stated she opened the case on December 20, 2021 as an unlicensed rental property. She stated it is tenant occupied. She stated the owner applied for a Rental License in January and the only outstanding condition is the repair of a retaining wall.

Ms. Jolen stated their contractor had gone MIA for a while and that the only thing that needed to be done was to add a screen for drainage. She requested the October cutoff for Compliance.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by October 19th, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 5 - RTL 08-22-165 - Theo Cox is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **857 Magnolia Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/19/2022.

Respondent was not present.

Inspector Tomengo stated she opened the case on January 11, 2022 as an unlicensed rental property. She stated the property is tenant occupied and the owners have applied for the license. She stated she conducted an inspection on June 1, 2022 which failed. She stated she has attempted to contact the owner. She stated the first unit was inspected but she received no access to the second unit. She stated the second unit is occupied and the tenant would not allow access. She stated she is asking for a Finding of Non-Compliance and next cutoff to come into Compliance.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by September 21th, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 6 - RTL 08-22-166 - Joseph C & Kimberley M Talavera is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **721 S Grandview Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/12/2022.

Mr. Joseph Talavera came forward and was sworn in.

Inspector Tomengo stated she opened the case on September 9, 2021. She stated the property has had a longstanding Business Tax Receipt but no Rental License. She stated the most recent inspection on May 25, 2022 failed. She stated she has been in communication with the owner

on August 16th where he spoke about a delay in the process of getting a window contractor and screen. She stated there has been little progress.

Mr. Talavera stated he lives out of town and hired someone to do the work and found out he was drinking on the job.

Mr. Riggio stated the people working need to be licensed contractors.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by September 21th, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 7 - RTL 08-22-155 - Adeyemi Abel is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **704 Alabama St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/6/2020.

Respondent was not present.

Inspector Steve Cole stated he opened the case on April 10, 2020. He stated at the last inspection on August 6, 2022, the windows and roof still needed after-the-fact permits which have been applied for. 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 September 21th, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 8 - RTL 08-22-156 - George K Seoles & Maria G Seoles is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **901 N Peninsula Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/20/2022.

Respondent was not present.

Inspector Cole stated the property is occupied and that he inspected the property on August 16th. He stated he is asking for a Finding of Non-Compliance and next cutoff to make repairs.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by September 21th, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 9 - RTL 08-22-157 - Richard Britt Jr is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **426 Model St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/7/2022.

Respondent was not present.

Inspector Cole stated he opened the case on April 27, 2022 and the property is occupied. He stated he last inspected on August 16th and is asking for a Finding of Non-Compliance and next cutoff to come into Compliance. He stated the respondent has applied for the Rental License.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by September 21th, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 10 - RTL 08-22-160 - North Street Properties LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **506 North St.** Failure to obtain Rental License (RTL). First Notified – 7/13/2022.

Mr. Michael J Ford came forward and was sworn in.

Inspector Cole stated he opened the case on June 7, 2022 and the property is occupied. He stated the owners have applied for a Rental License and he inspected the property last on August 16th. He stated he is asking for a Finding of Non-Compliance and the next cutoff for Compliance.

Mr. Ford agreed and stated he is a bar owner and will be traveling to New York and would like to continue until next month.

DISPOSITION: The Special Magistrate continued the case to the September 27th, 2022 meeting for a finding of Non-Compliance and the determination of a Compliance date.

CASE # 11 - RTL 08-22-168 - Allen B Williams & Philip Williams is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1441 Mississippi St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/20/2022.

Mr. Allen Williams came forward and was sworn in. He stated he just found out about this hearing and stated that the signature on the green card was not his.

Inspector Cole stated he has had no communication with the Respondent.

Mr. Jackson stated since the Respondent is present the hearing can move on and the City 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 September 21th, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CONTINUED CASES:

CASE # 14 - RTL 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. Jonathan Paulino, owner of RE Equity Investment Group came forward and was sworn in. Mr. Andy Liu, Mr. Wilson Zorrilla and Mr. Ralph Chiaia, owners of Daytona 19 LLC appeared via Zoom and were sworn in.

Inspector Tomengo stated she receives email correspondence from Mr. Zorilla. She stated Units 1, 2 and 3 have passed and required installing anchor baseboard heaters. She stated the progress has been very slow in Unit 4. She stated they did a unit clean out and obtained possession on July 11 when the tenant was evicted. She stated substandard door repair was done. She stated remaining outstanding is emergency egress from the bedrooms. She stated there is only one window exit which does not function properly. She stated she received a contract that the Respondents have ordered a kitchen window replacement. She stated she is requesting a fine in the amount of \$200 to a maximum of \$15,000.

Mr. Jonathan Paulino explained that he no longer owns the property and has no opportunity to remedy. He stated he sold the property before the case and before the violations.

The Board Secretary submitted a copy of the original Notice of Hearing dated in November of 2021 and a copy of the deed of sale which was recorded on December 21, 2021.

Mr. Jackson stated the record is clear that the previous owners were noticed and that the new owners were added to the case in progress per Florida Statute.

Mr. Zorilla stated three of the units passed.

^{OR} Inspection Tomengo stated the units only needed heating units but ~~rails~~^{railings} were installed and failed inspection because there was no permit.

Field Supervisor Mark A. Jones stated the railings were not installed per code and they failed inspection in June. He stated there has been no re-inspection scheduled. He stated there are spacing requirements.

Inspector Tomengo stated a substandard door was installed in unit 4 which obstructed the egress from the kitchen. She stated the bathroom window is on order.

Field Supervisor Jones requested the property remain unoccupied until the license is issued.

Mr. Liu stated they fired their Property Manager and were trying to complete the work on their own.

Inspector Tomengo stated she is requesting a fine in the amount of \$200 to a maximum of \$15,000 until Compliance is achieved.

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. It is further ordered that unit 4 must be in compliance by August 24th, 2022 for the railings or a fine in the amount of \$200 per day will automatically be imposed and continue until the property is in Compliance or the fine reaches the maximum amount of \$15,000, and the property shall not be rented, used or occupied until Compliance is achieved.

Xavier Campbell brought to the Magistrate's attention that cases 1 and 2 also belong to this Respondent and they were not available on Zoom when the cases were heard.

Mr. Riggio gave a synopsis of his previous rulings and put the owners on notice regarding his orders for the correction of the life-safety issues on the properties and automatic fine if not remedied within 3 days of the hearing.

Mr. Riggio called at recess at 11:12 am. The meeting resumed at 11:20 am.

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).**

Mr. Nathan Batansas, Property Manager, came forward and was sworn in.

Inspector Tomengo stated she had contact from Don Wollard, owner, and he was working with and engineer and attorneys to remedy violations at the property with Permits & Licensing. She stated she is requesting to amend to the October 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 October 19th, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 16 - 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.

Mr. Axel Rosa, trustee and son, came forward and was sworn in.

Inspector Tomengo stated she had contact with Mr. Rosa and the units passed inspection except for a damaged retaining wall. She stated the owner is coordinating with contractors to have it repaired 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 September 21st, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 17 - 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.

Mr. William Morrison came forward and was sworn in.

Inspector Tomengo stated she met with Mr. Morrison on August 15th and all had been corrected except a window. She stated he has a window contract and is asking to amend the previous Order of Non-Compliance to the October cutoff for Compliance.

Mr. Morrison stated no problem.

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 # 18 - 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 conducted a re-inspection on August 17th and a window in unit 2 is all that remains to be corrected. She stated the owner has submitted a window contract showing it is on order and to be installed in October.

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 # 21 - 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.

Respondent was not present.

Mr. Jackson stated the Inspector has received a letter of non-rental of the property and the property is in Compliance as of August 11, 2022.

Compliance 8/11/2022

CASE # 22 - 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.

Respondent was not present. Mr. Markelle Kays, tenant, came forward and was sworn in.

Inspector Cole stated the order requiring smoke detectors at the last meeting was completed but there has been no other action taken. He stated the windows are painted shut and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Kays stated that Mr. Brian Luther, brother of the owner, put a latch on the window but it was not secure and would not stay closed. He stated the window contains lead paint and Brian Luther advised him they would not be making any more repairs.

Mr. Jackson stated the tenants can look for other legal options and explained the City's ability to foreclose in 90 days if they desire.

Inspector Cole stated there are other Non-Compliance issues.

Field Supervisor Jones stated the City would like to request a fine in the amount of \$250 per day to a maximum of \$15,000.

DISPOSITION: The Special Magistrate ordered a fine in the amount of \$250 per day be imposed until the property comes into Compliance or the fine reaches the maximum amount of \$15,000.

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 Teel appeared via Zoom and was sworn in.

Inspector Cole stated the property is vacant. He stated he has had contact with the owner. He stated he conducted an inspection on 2 units. He stated 613 in the back has no violations and 611 North St found some violations. He stated he is requesting to amend to the next cutoff for Compliance.

Mr. Teel stated he is agreeable.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by September 21st, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 24 - 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.

Respondent was not present.

Inspector Cole stated he has had contact with the owner and the property is occupied. He stated they have made progress and would like to amend to the next cutoff so that the windows can be completed.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by September 21st, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 25 - RTL 03-22-59 - Marjanita Iglesia Revocable Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1701 N Oleander Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/7/2022.

Ms. Marjanita Iglesia came forward and was sworn in.

Inspector Cole stated he has had contact with the Respondent and is asking to amend to the October cutoff for repairs to be completed.

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 # 26 - 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 the property has been sold and he has been in contact with Professional Property Management Colleen Kay. He stated he is requesting to amend to the next cutoff for Compliance and 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 September 21st, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. It is further ordered that new owner Southtrust Financial LLC be added to the case.

CASE # 27 - 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 he has had no contact with the owner and the property is occupied. 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 September 21st, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

Mr. Riggio adjourned the morning session at 11:50 am.

The afternoon session was called to order at 1:32 pm.

Members of staff who will be testifying were sworn in.

IRREPARABLE/IRREVERSIBLE

CASE # 28 - RTL 08-22-159 - Deisha Knight is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **116 Loomis Ave.** Violation(s) – Zoning violation - the property is zoned RDD6. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 7/20/2022.

Respondent was not present.

The Board Secretary stated she received a written request by Mr. Spira, attorney for Ms. Knight, requesting to continue the case to the next hearing date.

Mr. Jackson had no objections.

DISPOSITION: The Special Magistrate continued the case to the September 27, 2022 meeting for consideration of the imposition of a fine.

CASE # 29 - 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.

Mr. Bergender, attorney for Ms. Helmes, came forward. Ms. Psan, court reporter, and Ms. Helmes, property owner, appeared via Zoom and were sworn in.

Mr. Jackson asked Mr. Bergender if he was ready to move forward.

Mr. Bergender stated that he was.

Inspector Recanzone stated this is a repeat violation and the violation was first observed and noticed on June 30, 2022. He stated as of July 1st the advertising was no longer active on Airbnb. He stated there are 91 reviews, 87 at the last hearing where the property was found in Non-Compliance. He stated the advertising shows a rate of \$171 a night and at the last hearing was \$131 per night. He stated the rules show check in at 3 pm and check out at 10 am. He stated the last violation occurred on August 31, 2021 and the violation is irreparable and irreversible in nature and a \$100 fine was imposed for case # RTL 08-21-195. He stated he is asking for a fine in the amount of \$15,000.

Mr. Bergender asked Mr. Recanzone questions regarding proof or evidence that the violation occurred.

Mr. Jackson also questioned Mr. Recanzone.

Inspector Recanzone gave testimony on the changes to the website from the last case and his discussions with Ms. Helmes.

There was discussion regarding deactivating or ^{oo}sneezing accounts on Airbnb. There was additional discussion regarding the role of the advertising in the violation.

Mr. Jackson stated the City's position and Florida Statutes on transient use and gave his argument as to why the violation is irreparable and irreversible in nature.

Mr. Bergender stated the history of the property and how it had been used.

Mr. Jackson questioned Ms. Helmes regarding the changes in her advertisement on Airbnb.

There was additional discussion regarding deactivating or ^{oo}sneezing accounts on Airbnb and the Mayor's comments in a News Journal article regarding future short-term rentals.

Mr. Riggio stated that relying on Airbnb to snooze an account is not reasonable and with the revival of the website, the property is being held out for rent ^{but} ~~but~~ is an unlicensed and unregistered business. ^{And}

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 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 # 30 - RTL 08-22-170 - 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 – 8/1/2022.

Mr. Curtis Wilson, attorney, came forward.

Inspector Recanzone stated he first observed the violation on August 1, 2021 and this morning was still actively advertising. He stated the rate is \$153 per night, check in time is 3 pm and check out time is 11 am. He stated this is a repeat violation from July 26, 2022, the violation is irreparable and irreversible and is asking for a fine in the amount of \$15,000.

Mr. Wilson asked Inspector Recanzone questions regarding the listing.

Mr. Jackson asked the inspection questions regarding the listing. Mr. Jackson stated the City will waive the request for fine and repeat violation and withdraw the case from consideration at this time.

DISPOSITION: The Special Magistrate ordered that the case is withdrawn.

Mr. Riggio called a recess at 3:40 pm.

The meeting resumed at 3:52 pm.

CASE # 31 - RTL 08-22-154 - Christina L Goddu TR is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **521 Lenox 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 – 7/14/2022.

Ms. Christina Goddu came forward and was sworn in.

Inspector Recanzone stated that he first observed the violation on July 15th and as of August 9th was no longer advertising. He stated there were 125 reviews, the rate is \$471 per night, check in time is 3 pm and check out time is 11 am. He stated the same respondent was before the Magistrate on August 26th, case # RTL 01-15-2020, and received a fine in the amount of \$1000. He stated he is requesting a fine in the amount of \$15,000.

Mr. Jackson asked the Respondent if she heard the City's argument as to the nature of the violation being irreparable and irreversible and Ms. Goddu waived repetition. He stated because there are over 100 reviews the maximum fine is reasonable.

Ms. Goddu stated she immediately took the advertising down and has not rented since she was fined \$1000. She stated when the inspector was at her house she had in walk through to show that it was not a rental and they live there. She stated the Inspector would not help her take it down.

Ms. Mary Ann Law, Mr. Jordan Gold and Ms. Donna Sheridan, witnesses for the Respondent, came forward and were sworn in.

Ms. Goddu questioned the witnesses.

Mr. Riggio questioned the Inspector regarding most recent dates, the difference in the advertising from the last case and when he notified the respondent.

Inspector Recanzone pointed to a photo overhead with a July 13, 2022 date and stated this was the most recent observance. He stated the ad is the same and he notified the Respondent on July 15th.

There was discussion regarding the advertising online as far as popping back up.

DISPOSITION: Based on the testimony of the witnesses, the Special Magistrate found that the property was previously in Non-Compliance as of July 15th 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 \$2,000, payable within 30 days, be imposed and that the property is in Compliance as of August 9th, 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 08-22-172 - Maxine Lor is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **410 N Oleander Ave.** Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 8/3/2022.

Mr. Dan Goff, friend of the family, appeared via Zoom and was sworn in.

Mr. Jackson stated the City is relying on his sworn statement that he has permission to appear on her behalf.

Mr. Goff stated he is the tenant.

Inspector Recanzone stated he first observed and Noticed the owner on July 20, 2022. He stated as of August 12th they were no longer actively advertising. He stated there were 2 reviews, the rate was \$149 per night and the rules stated check-in time is 4 pm and check out time is 11 am. He stated the violation is irreparable and irreversible. He corrected himself and stated he was reading from the wrong case.

The Inspector stated he first observed and Noticed the owner on August 3rd and as of August 16th was no longer advertising as of August 18th. He stated there are 18 reviews, rate is \$153 per night, check in time is 4 pm and check out time is 11 am. He stated the violation is irreparable and irreversible and is requesting a fine in the amount of \$7,000 due to the time it took to take the listing down. He stated he spoke to the property owner when he posted the property.

Mr. Jackson asked the Respondent if he heard the City's irreparable and irreversible request and Mr. Goff stated he did not need to repeat it.

Mr. Goff stated he advertised the property and did not notify Ms. Lor. He stated he rented to some traveling nurses when he went back to see his mom and that he is responsible.

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 \$6,000, payable within 30 days, be imposed and that the property is in Compliance as of August 16, 2022, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 33 - RTL 08-22-158 - Joseph M Szymanek is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **430 Golf Blvd.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 7/20/2022.

Ms. Deborah Szymanek came forward and was sworn in.

Inspector Recanzone state he first observed and Noticed the property owner on July 20, 2022. He stated as of July 21, 2022 the owner was no longer advertising. He stated the listing showed 44 reviews, a nightly rate of \$162, rules stated check in time is 3 pm 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 \$1000.

Ms. Szymanek waived repetition of Mr. Jackson's irreparable and irreversible argument and stated they moved from New Jersey and the realtor told them in February that they couldn't do it so she blocked it out. She stated she would not have done it if she had known. She stated she was laid off and he was on disability. She stated there are four residents on her block renting different places.

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 21st, 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 # 34 - RTL 08-22-167 - Jay B Anthony is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **121 Beverly Ct.** 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 – 7/21/2022.

Mr. Jay Anthony came forward and was sworn in.

Inspector Recanzone stated he observed and Noticed the owner on July 21, 2022. He stated as of July 22nd they were no longer actively advertising. He stated there were 45 reviews, the

rate is \$73 per night, rules state check in is 3 pm and check out is 11 am and the violation is irreparable and irreversible in nature. He stated he is requesting a fine in the amount of \$1000.

Mr. Jackson repeated his argument regarding the nature of the violation as irreparable and irreversible and stated the advertising was immediately removed and is consistent with a request of a one-time fine of \$1000.

Mr. Anthony stated Airbnb should have told him it was not allowed.

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 22nd, 2022, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 35 - RTL 08-22-169 - The Leslie Lloyd Trust dated April 10, 2019 is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1116 Florida 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 – 8/3/2022.

Ms. Leslie Lloyd appeared via Zoom but was not sworn in. Her mic was muted.

Mr. Michael Lloyd appeared via Zoom and was sworn in.

Inspector Recanzone stated he first observed and Noticed the owner on August 3rd, 2022. He stated as of August 4th they were no longer advertising. He stated on August 4th there were 13 reviews, a rate of \$153 per night, rules state check in time is 3 pm and check out is 11 am and the violation is irreparable and irreversible.

Mr. Jackson repeated his irreversible and irreparable argument.

Mr. Lloyd stated the house was his mom's fathers and they were going to rent it long term to an Embry Riddle student and they have a property manager. He stated they are happy to have someone in there due to break ins.

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 August 4th, 2022, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 36 - RTL 08-22-171 - Paul Schetzle & Kurt Farnkoff 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 4.** 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 – 8/1/2022.

Mr. Blake Stewart, attorney, came forward.

Inspector Recanzone stated he first observed and noticed the owner on August 1, 2022. He stated as of August 2nd they were not longer advertising. He stated there were 5 reviews, rate was \$130 per night, rules state check in time of 3 pm and check out time of 11 am and the violation is irreparable and irreversible. He stated he is asking for a fine in the amount of \$1000.

Mr. Stewart stipulated to Mr. Jackson's irreparable and irreversible argument. He stated it was not in the advertisement that this is a multi-unit condo and asked the Inspector how it know which one is was. *he e*

Inspector Recanzone stated the pictures have a background that he matched. *However, he did not have available the particular picture he was relying upon for*
Mr. Stewart stated the inspector has no way to know that is the same unit and they he stays there on occasion.

DISPOSITION: After hearing the arguments, the Special Magistrate dismissed the case.

There was no new business.

The meeting was adjourned at 5:33 p.m.

Identification: