
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

September 27, 2022 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney

Cortland Lampe, Police Officer

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 9:08 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 07-22-142 - 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.

Compliance 9/21/2022

CASE # 6 - 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.

Compliance 9/21/2022

Mr. Riggio approved the minutes from the August 23, 2022 meeting. Officers who will be testifying were sworn in.

Mr. Riggio called the first case.

CASE # 1 - RTL 09-22-184 - 319 San Juan LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **120-118 Marion St & 530-532 Foote Ct.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/11/2022.

Mr. Herb Kawesch, Managing Partner, came forward and was sworn in. The Respondent sent an email with lease details which was distributed at the hearing.

Inspector Tomengo stated she opened the case on November 15th as a tenant complaint. She stated 532 Foote Ct was in compliance January, 2022 but the property is unlicensed. She stated they have submitted an app. Inspection on 120 Marion failed and has had no re-inspection scheduled. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Kawesch asked what the violations were.

Inspector LaWanda Tomengo stated she gave them to his Property Manager.

Mr. Kawesch stated he would like a list and will send them to his property Manager who he is firing. He stated he has two occupants but only one lease. He stated there is a locked door between them.

Assistant City Attorney, Anthony Jackson, stated the Respondent does not have a Rental license.

Mr. Riggio stated there are parameters in the County to distinguish a property as a duplex.

Mr. Jackson stated the inspector will provide the Respondent with a list of violations.

Inspector Tomengo stated there may be additional violations inside.

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

CASE # 2 - RTL 09-22-181 - US Bank Trust NA and LSF9 Master Participation Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **601 Vera St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/22/2022.

Respondent was not present.

Inspector Steven Cole stated the property is occupied and he inspected the property in July and it was not in Compliance. He stated at inspection on August 5 it was also not in Compliance. 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 October 19, 2022 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 3 - RTL 09-22-182 - Ricardo Ramsaran is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1029 Libby Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/2/2022.

Respondent was not present.

Inspector Cole stated the property is occupied and he sent Notice to the owners on August 2nd. He stated as of August 16 the property is not in Compliance and is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

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

CASE # 4 - RTL 09-22-185 - New Leaf Real Estate LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **323 Taylor Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/29/2022.

Mr. Darrin Gringras, owner, came forward and was sworn in.

Inspector Cole stated he noticed the property on August 19th and it is in Non-Compliance. He stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Gringras stated he has submitted an application which was denied due to too many units and he is working with the City to correct the issue.

The Board Secretary stated the Mr. Denzil Sykes, Neighborhood Services Manager, is working with him.

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

CASE # 7 - RTL 08-22-163 - 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.

Mr. Ralph Cia, Mr. Andy Liu and Mr. Wilson Zorilla, partners, appeared via Zoom and were sworn in.

Inspector Tomengo stated that since the last hearing an auto-fine had been executed regarding the life/safety issues of the windows. She stated she had communication via email on September 13 that Unit 1 & 4 have been done and the Respondent has ordered windows for units 2 & 3. She stated Mr. Zorilla sent her an invoice. She stated yesterday the outside storage was back and there was some repair to the window that has the AC unit on it. 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 October 19, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 8 - 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.

Inspector Tomengo stated an auto-fine was imposed for life/safety issues of the windows. She stated she received an email on September 13th that units 1 & 3 had been repaired. She stated she received photo documentation that the windows open in Unit 2 which had previously been non-accessible. She stated she pulled the evictions documents to confirm they are trying to get the tenant out in unit 4. She stated 2 units are still in Non-Compliance due to the life/safety issues. She stated the owners hired a stairwell contractor but no date for getting the work done. She stated she is asking to amend to the next cutoff for Compliance.

Mr. Zorrilla stated all units will be working by early next week.

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

CASE # 12 - 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.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/13/2022.

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

Inspector Cole stated this case was continued from the last hearing. He stated in September the property failed inspection and is asking for a Finding of Non-Compliance and next cutoff to come into Compliance.

Mr. ^{cole}~~Riggio~~ stated the nature of the violations were a blocked bedroom window.

Mr. Ford stated the tenants took down the smoke detectors.

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

CASE # 9 - 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.

Respondent was not present.

Inspector Tomengo stated she has received communications from the Respondent. She stated she has a signed contract for the retaining wall. She stated all 3 units passed inspection and

the only violation left is the exterior stairwell wall. She stated they expect the repairs to be completed on November 7th and is requesting to amend to the November hearing.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by November 16, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 10 - 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.

Respondent was not present.

Inspector Tomengo stated she received direct communication from Mr. Talavera by phone and the exterior painting is done. She stated they have done a lot and made good progress. She stated she intends to re-inspect the property for Compliance before the next hearing.

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

CASE # 11 - 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 the inspection on September 7th failed and she is asking to amend to the next cutoff.

Mr. Riggio asked if the owner was agreeable and Inspector Tomengo stated yes.

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

CASE # 13 - 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.

Respondent was not present.

Inspector Cole stated the property is occupied and he has had contact with the owner. He stated they have made progress and submitted a request for Rental License. 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 October 19, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 14 - 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 front unit is unoccupied and the back unit does have a tenant but passed inspection. He stated he has tenant contact but does not know if there has been any progress and is asking for a fine in the amount of \$100 to a maximum of \$15,000.

Mr. Riggio ^{asked if} stated the front unit is still being held out.

Inspector Cole stated yes that it was previously occupied.

Mr. Jackson asked if the Respondent has applied for the Rental License.

Inspector Cole stated yes.

Mr. Teel stated he has a final inspection scheduled this Friday and needs one more month.

Inspector Cole agreed as long as the unit stays unoccupied until the inspection passes.

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

CASE # 15 - 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 received an email this morning but has seen no other progress. He stated he is requesting to amend to the November 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 19} November 16, 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 & Southtrust Financial LLC 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.

Respondents were not present.

Inspector Cole stated the property is occupied and he has had contact with the new owners. He stated inspection on September 5 failed and 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 October 19, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 17 - 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, the owner is making progress as of September 23 and 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 October 19, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 18 - 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 the property is occupied and eviction has taken place. He stated they have applied for a license 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 October 19, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 19 - 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 there are 2 units and both are occupied. He stated he has had contact with the Property Manager and the property failed inspection on July 13. 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 October 19, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 20 - 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 Cole stated the property is occupied and he had contact with the owner but no progress has been made. He stated there has been no inspection, permits have not been opened and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

DISPOSITION: The Special Magistrate ordered a fine in the amount of \$100 per day be imposed until the property comes into Compliance or the fine reaches the maximum amount of \$15,000.

The meeting was recessed at 10:00 am.

The afternoon session was called to order at 1:37 pm.

Inspector Clifford Recanzone was sworn in. Field Supervisor Mark A Jones was still under oath from the morning session.

IRREPARABLE/IRREVERSIBLE

CASE # 21 - 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.

Mr. Jack Spira, attorney, appeared via Zoom.

Mr. Jackson stated he spoke to Mr. Spira and they had agreed upon an amount of \$1000.

Mr. Riggio stated he is good with the stipulation but is not comfortable with a finding of irreparable and irreversible.

Mr. Jackson gave the Magistrate details of his discussion with Mr. Spira.

DISPOSITION: After hearing the parties have reached agreement and proposed a stipulation, the Special Magistrate found the property is in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A and Art. 5 Sec. 5.2.A.2. A one-time fine in the amount of \$1000 was imposed. It was further ordered that the property is in Compliance as of August 11, 2022 and for any future violations repeat violations may be returned to the Magistrate for consideration of the imposition of a fine.

CASE # 22 - RTL 09-22-177 - Edwin Santiago & Nayda Cruz is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **213 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 – 8/29/2022.

Michael Long, attorney, appeared via Zoom.

Inspector Recanzone stated he first observed the violation on August 24th and as of August 30th was no longer advertising. He stated there were 66 reviews, rate is \$130 per night with check in time at 2 p and check out by 11 am. He stated the violation is irreparable and irreversible and he is asking for a one-time fine in the amount of \$1000.

Mr. Jackson presented the City's argument that the violation be found as irreparable and irreversible.

Mr. Long asked the Magistrate to give his clients special consideration since they are bound on 3 sides by zoning areas where short-term rentals are allowed. He stated they were unaware it was not allowed. He stated they may try to change the zoning.

Mr. Jackson stated they can apply for a modification but the City's ^{Commission} clause may not allow the change. He stated the violation is irreparable and irreversible in nature.

Mr. Long stated they would stipulate to irreparable and irreversible and trust the Magistrate to determine the extent and would request the fine be reduced to \$500.

Mr. Jackson agreed to lower the fine to \$500.

Mr. Riggio stated that particular location does not fit the use and competes with hotels and it is incumbent on the property owner to know the rules.

Mr. Jackson stated the Respondents did have a quick response.

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 \$500, payable within 30 days, be imposed and that the property is in Compliance as of August 30th, 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 # 23 - RTL 09-22-180 - Pooja Maganlal Vaghani and Amrit Hans Ramnarine is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **536 Sandra 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 – 8/29/2022.

Pooja Vaghani came forward and was sworn in.

Inspector Recanzone stated he first observed the violation on August 25th and was no longer advertising on September 9th. He stated there were 6 reviews, 2 added after the first Finding of Non-Compliance. He stated the rate is \$36 per night, check in time is 3 pm and check out by 11 am. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$7000.

Mr. Jackson asked how the inspector found the violation.

Inspector Recanzone stated he found it himself.

Ms. Vaghani stated she was not aware.

Mr. Jackson asked for clarification whether this is a first time violation.

Inspector Recanzone stated yes but it had 2 new reviews which he pointed out on screen.

Ms. Vaghani stated she took the room off on the 29th.

Mr. Riggio stated she took the booking down.

Inspector Recanzone stated she stopped taking reservations but the site was still up. He stated he made contact with her and told her she had to deactivate the website.

Mr. Jackson stated the intended use is transient and the property was still being advertised.

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 when they ceased taking reservations on August 29th, 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 # 24 - RTL 09-22-175 - Juan Marino Gomez Estrada is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1424 Margina Ave.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 8/18/2022.

Respondent was not present.

Inspector Recanzone stated this was the second time the respondent has been brought before the Magistrate. He stated he first observed the violation on August 17th and is still actively advertising. He stated both reviews are before the prior hearing. He stated the check in time is before 3 pm and check out time after 11 am. He stated there were problems communicating with the Respondent in Spanish. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$1000.

DISPOSITION: The Magistrate continued the case to the October 25, 2022 meeting for consideration of the imposition of a fine.

CASE # 25 - RTL 09-22-176 - Jozef Krawiec & Lynn Pepe-Krawiec is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **707 N Grandview Ave.** 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 – 8/18/2022.

Respondent was not present.

Inspector Recanzone stated he had contact with the Respondents by phone and they are having problems with their computer and cannot appear online. He stated they have asked for an extension.

DISPOSITION: The Magistrate continued the case to the October 25, 2022 meeting for consideration of the imposition of a fine.

CASE # 26 - RTL 09-22-178 - Andrew Stewart III is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **543 Sandra 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 – 8/29/2022.

Mr. Andrew Stewart III came forward and was sworn in.

Inspector Recanzone stated he first observed the violation on August 25th and it is still active this morning. He stated there are 38 reviews, rate is \$134 a night, check in 3 pm and check out 11 am. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$15,000.

Mr. Jackson gave the City's argument as to why the violation is irreparable and irreversible.

Mr. Stewart stated he was ignorant and as soon as he was notified, he cancelled all reservations. He stated he attempted to notify the inspector by phone.

Inspector Recanzone stated the respondent cancelled as of 11 am.

Mr. Riggio asked the Inspector if he ceased taking reservations.

Inspector Recanzone stated the Notice states it must be taken down and showed a picture of the posting.

Mr. Jackson read the Notice of Violation out loud in the Chamber.

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 September 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 - RTL 09-22-173 - 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 RDB6. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 8/17/2022.

Respondent was not present.

Inspector Recanzone stated this is the 3rd time these owners have been before the Magistrate. He stated he first observed the violation on August 8, 2022 and was no longer advertising as of

August 9, 2022. He stated the website shows 36 reviews and in June showed 9, and in May of 2021 had only 3. He stated the nightly rate is \$250, check in is after 5 and check out is 11 am. He stated the violation is irreparable and irreversible. He stated he has had no contact with the respondent and that they started putting it up on weekends and taking the listing down on Monday. He stated the advertising is currently down.

Mr. Riggio stated that holding the property out for rental is a violation.

Mr. Jackson stated the City's irreparable and irreversible argument.

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 and this is the 3rd occurrence. He ordered that a one-time fine in the amount of \$15,000, payable within 30 days, be imposed and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 28 - RTL 09-22-174 - 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 – 8/17/2022.

Mr. Jackson Bush and Mr. Greg Lindzor, representative, appeared via Zoom and was sworn in.

Inspector Recanzone stated he first observed the violation on August 9th and was no longer advertising as of August 17th. He stated the website has 3 reviews, the rate is \$250 per night, check in time is 4 pm and check out time is 11 am. He stated the violation is irreparable and irreversible.

Mr. Riggio asked if the reviews were before or after the last hearing.

Inspector Recanzone said there are now 2 different sites.

Mr. Jackson ^{asked} as the Respondents if they would like him to repeat his irreparable and irreversible argument and they stated they heard it previously.

Mr. Riggio stated at the last case that Mr. Bush was made aware.

Mr. Bush stated they were made aware and he called the Inspector. He stated it was accidentally listed. He stated he now has a long Rental License.

Mr. Riggio asked how the advertisement appeared. ^{term}

Mr. Lindzor stated they typically do short-term rentals for their clients with VRBO and someone auto booked the property.

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 \$250, payable within 30 days, be imposed and that the property is in Compliance as of September 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 # 29 - RTL 09-22-179 - Timothy Lieffers and Lindsay Lieffers is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **128 Boynton 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 – 8/29/2022.

Ms. Lindsay Lieffers came forward and was sworn in.

Inspector Recanzone stated he first observed the advertisement and sent Notice on August 29th. He stated as of August 30th they were no longer advertising. He stated there are 8 reviews on the site, check in time is 4 pm and check out time is 11 am. He stated the case started as a complaint and the violation is irreparable and irreversible and he is requesting a fine in the amount of \$1000.

Ms. Lieffers waived repetition of Mr. Jackson irreparable and irreversible argument.

Mr. Riggio stated he would consider the argument in his decision.

Ms. Lieffers stated they moved from Michigan and they had long term renters in unit 2 and lived in unit 1. She stated the tenants in unit 1 moved in on September 1, 2022 and September 3rd has a lease for 9 months in unit 2. She stated that as of September 1, 2022 unit 3 was occupied. She stated Inspector Recanzone has a copy of 2 of those leases. She asked the Magistrate to consider a reduction.

Mr. Riggio stated he was not willing to consider a reduction

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 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 # 30 - RTL 09-22-183 - Brent Dennison is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **300 Revilo 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 – 8/31/2022.

Mr. Brent Dennison came forward and was sworn in.

Inspector Recanzone stated he first observed the website on August 30th and was no longer advertising as of September 1st. He stated there are no reviews, rate is \$160 per night, no check in or check out time and is asking for a fine in the amount of \$1000.

Mr. Dennison waived repetition of Mr. Jackson's irreparable and irreversible argument. He stated they did not know and that no one actually stayed there. He stated he went on a trip.

Mr. Jackson asked the inspector if this was a complaint.

Inspector Recanzone stated no.

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 31, 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. Jackson reminded everyone there would be no hearing in December.

The meeting was adjourned at 3:50 p.m.