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# City of Daytona Beach Special Magistrate

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

**Robert J. Riggio, Special Magistrate**

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## November 22, 2022 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney  
Mr. Denzil Sykes, Code Compliance Manager  
Daytona Beach Police Officer  
Mr. Clifford Recanzone, Rental Inspector  
Ms. LaWanda Tomengo, Rental Inspector  
Mr. Steven Cole, Rental Inspector  
Ms. June Barnes, Board Secretary  
Mr. Enzo Bagazzoli, Rental Program Technician  
Mr. Joe Graves, Audio/Visual  
Mr. Xavier Campbell, Audio/Visual

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 9:12 a.m. and announced the procedure for the meeting.

Mr. Riggio asked if there were any announcements. The Board Secretary announced the following cases in Compliance.

**CASE # 15 - 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.

***Compliance 11/21/2022***

Mr. Riggio approved the minutes from the October 25, 2022 meeting.

City staff who will be testifying were sworn in.

Mr. Riggio called the first new case.

**CASE # 1 - RTL 11-22-197 - Manuel Marquez** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1327 Eugene Black St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 9/22/2022.

Respondent was not present.

Inspector Steven Cole stated the property is an unlicensed rental property and was notified on September 22<sup>nd</sup>. He stated at the last inspection on November 17<sup>th</sup> the property was not in

Compliance and is asking for a finding of Non-Compliance and the January cutoff to come into Compliance.

**DISPOSITION:** The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by January 18, 2023 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 # 2 - 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.

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

Inspector LaWanda Tomengo stated since the last meeting she had had contact with Ms. Gow and a meeting was scheduled on November 17<sup>th</sup> with the planning department regarding condemnation of the accessory structure, zoning and land use of the property. She stated she is requesting to amend to the January cutoff for Compliance.

Ms. Gow agreed and stated she would keep the inspector informed.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by January 18, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 3 - 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 since the last hearing she has had contact via email with the respondent on November 16. She stated the contractor has delivered the materials and will start working on the retaining wall this week. She stated they have a permit and that all 4 units have passed rental inspection, she is just waiting for the retaining wall permit to final.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by January 18, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 4 - RTL 10-22-194 - BMS Holdings LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **336 Fulton St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/22/2022.

Respondent was not present.

Inspector Tomengo stated since the last hearing she has had contact with Mr. Spivey and the rental application remains in Redevelopment Review and is asking to amend to the January 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 January 18, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 5- 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 Chiaia, Mr. Andy Liu and Mr. Wilson Zorrilla appeared via Zoom and were sworn in.

Inspector Tomengo stated she has had email communication with Mr. Zorrilla and the debris has been removed. She stated the Respondents are waiting for windows to be delivered and is asking to amend to the January cutoff for Compliance.

The Respondents agreed.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by January 18, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 6 - 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 she has had email communication with Mr. Zorrilla and repairs to the stairwell are completed. She stated the permit is finalized and the tenant in unit 2 has vacated. She stated they are making cosmetic repairs and getting the windows to open. She stated she is asking to amend to the January cutoff for Compliance.

The Respondents had nothing to add.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by January 18, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 7 - 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.

Inspector Tomengo stated she received an email from Mr. Zorrilla stating the AC unit in Unit 4 has been removed and the windows installed. She stated he is in the process of obtaining a door and door frame permit and is asking to amend to the next cutoff for Compliance.

Mr. Zorrilla stated they were waiting for final inspection with Permits.

Mr. Liu stated the unit is vacant and wanted to know when he can rent the property.

Inspector Tomengo stated when the property passes inspection.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by January 18, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 8 - 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 heard from Mr. Talavera and they are on the last leg of repairs on the screens. She stated he sent her photo documentation and she is asking to amend to the January 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 January 18, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 9 - RTL 10-22-195 - Vincent Filippini** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **527 Loomis.** Violation(s) – **Failure to obtain Rental License (RTL).** First Notified – 8/19/2022.

Respondent was not present.

Inspector Tomengo stated she has had contact from the occupant stating it is not a rental property and is asking to amend to the January cutoff so that she can get in contact with the owner to verify.

Mr. Riggio stated if there is an occupant it is most likely a rental.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by January 18, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 10 - RTL 05-22-117 - William Glass Morrison III** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **860 Magnolia Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/23/2021.

Respondent was not present.

Inspector Tomengo stated she spoke with the Property Manager, Kim Lisotte, regarding delivery of the windows and she stated there were further delays due to Hurricane Nicole.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by January 18, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**RTL 03-22-66 – 1222 Midway Blvd - Susan E Ondris-Cox** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294. Violation(s) – Failure to obtain Rental License (RTL).

First Notified – 6/30/2021. Order Imposing Fine/Lien of \$100 per day to a maximum of \$15,000 imposed on April 26, 2022. Compliance - Affidavit not to rent by new owners on October 21, 2022. Amount due \$15,000 plus \$24 recording fees = **\$15,024.00**.

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

Ms. Barnes stated the Magistrate and City attorney also have an email from the current owner allowing Mr. Cox to speak on their behalf at this hearing.

Mr. Cox stated the case started as CE2020-0120 when his mother owned the property a couple of years ago. He stated she moved to their area to take care of her sister and rented a room. He stated when she decided to sell they resolved a previous lien but were unaware of this one. He stated the house sold in late March and is requesting to reduce the amount of the lien to \$1000.

Inspector Tomengo agreed to the reduction. She stated the case was open in May of 2021 and it was confirmed by the tenants that it was not owner occupied.

**DISPOSITION:** The Special Magistrate reduced the amount of the lien to \$1,000, payable within 30 days, or the fine reverts back to the original amount of \$15,024.00

**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.

Respondent was not present.

Inspector Cole stated since the last hearing he has had contact and progress has been made. He stated they still have a ways to come and he is asking to amend to the January cutoff to give them time to complete repairs.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by January 18, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 12 - RTL 04-22-83 - Anthony Ray Teel** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **611 North St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/16/2022.

Respondent was not present.

Inspector Cole stated since the last hearing he has had contact, the front unit is vacant and repairs are ongoing. He stated he is asking to amend to the January 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 January 18, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 13 - 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.

Respondent was not present.

Inspector Cole stated since the last hearing he has had contact with Southtrust Financial and they received the parts for the window but the tenant won't let them in. He stated he is asking to amend to the January 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 January 18, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 14 - 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.

Respondent was not present.

Inspector Cole stated they submitted a site plan which is under review and is asking to amend to the January cutoff date for Compliance.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by January 18, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 16 - 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 since the last meeting he has had contact and progress has been made. He stated he inspected the property yesterday and there are still significant repairs to be made. He stated he is requesting to amend to the January cutoff for Compliance.

Mr. Riggio stated the Respondents are getting 2 months.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by January 18, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE # 17 - RTL 10-22-192 - Stanlee Smith** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **858 Pinewood St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 9/8/2022.

Respondent was not present.

Inspector Cole stated he has had contact with the owner and a rental application has been submitted. He stated he is asking to amend to the next cutoff.

**DISPOSITION:** The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by January 18, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**IRREPARABLE/IRREVERSIBLE**

**CASE # 18 - RTL 10-22-188 - David & Laurie B Gigliotti** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **123 Flamingo 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 – 9/6/2022.

Ms. Laurie Gigliotti appeared via zoom and was sworn in.

Inspector Recanzone stated the property was taken down on October 27<sup>th</sup> and was in Compliance.

There was discussion as to whether the City is requesting to dismiss the case or find the Case in Compliance.

Mr. Riggio asked if the City is requesting him to dismiss the case?

Mr. Sykes stated they are requesting the property be found in Compliance.

**DISPOSITION:** The Special Magistrate found the property is in Compliance as of October 27, 2022.

**LR-2 - RTL 01-22-20 – 505 Model St - Juan Manuel Tlaxcuapan Ramirez & Diana Ester Rodriguez** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/17/2020. **Order Imposing Fine Lien of \$100 per day to a maximum of \$15,000 imposed on February 22, 2022. Compliance – April 13, 2022. Amount due \$5,000 plus \$24 recording fees = \$5,024.00**

Mr. Juan Ramirez came forward and was sworn in. He stated he applied for a license on April 13, 2021 – 3 licenses and was told someone would contact him.

Inspector Recanzone stated Mark Jones started the case and he took over. He stated he tried to contact him and got a hold of the tenant in December/January.

Mr. Ramirez stated his mother passed away in February but he was back in March. He stated his second property passed inspection in April 2022 and the 3<sup>rd</sup> property was scheduled in June. He asked to remove the lien.

After discussing among themselves, the City agreed to a reduction to \$2500 on the lien.

**DISPOSITION:** The Special Magistrate reduced the amount of the lien to \$2,500 payable within 30 days or the fine reverts back to the original amount of \$5,024.00.

Mr. Riggio adjourned the meeting at 10:12 a.m.