
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

September 26, 2023 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Deputy City Attorney
Mr. Denzil Sykes, Code Compliance Manager
Sgt. Timothy Blowers, Daytona Beach Police Officer
Mr. Kevin Yates, Rental Inspector
Ms. LaWanda Tomengo, Rental Inspector
Mr. Clifford Recanzone, Rental Inspector
Mr. Karl Wexelberg, Rental Inspector
Ms. June Barnes, Rental Program Coordinator
Mr. Joe Graves, Audio/Visual
Mr. Charles Smarr, Audio/Visual

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 9:00 a.m. and announced the procedure for the meeting.

There were no announcements.

Mr. Riggio approved the minutes of the August 16, 2023 and August 22, 2023 meetings.

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

Mr. Riggio called the first Lien Review.

LR-1 - 539 Mark Ave - RTL 07-22-151 - Craig D Conway 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 – 2/4/2022. **Order Imposing Fine Lien of \$100 per day to a maximum of \$15,000 imposed October 25, 2022. Compliance = June 28, 2023. Amount due: \$15,000.00 + \$24.00 recording fee + \$134.65 interest = \$15,158.65.**

Ms. Alana Smith, attorney, came forward.

Inspector Wexelberg stated the City had met with the Respondents and come to an agreement to reduce the amount of the lien to \$3,500.

Ms. Smith agreed.

DISPOSITION: The Special Magistrate reduced the amount of the lien to \$3,500, payable within 30 days, or the fine reverts back to the original amount.

LR-2 - 367 Fordham Rd - RTL 08-20-104 - US Bank Trust NA TR 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 – 1/14/2020. **Order Imposing Fine Lien of \$100 per day to a maximum of \$15,000.00 imposed September 22, 2020. Compliance via Affidavit Not To Rent = August 28, 2023. Amount due: \$15,000.00 + \$24.00 recording fee + \$2,272.86 interest = \$17,296.86.**

Ms. Geri Westfall appeared via Zoom and was sworn in. She stated that her client had agreed to the reduction to \$5000 and was thankful. She stated the owners have done extensive work above and beyond what was required.

DISPOSITION: The Special Magistrate reduced the amount of the lien to \$5,000, payable within 30 days, or the fine reverts back to the original amount.

LR-3 - 537 Pelican Bay Dr - RTL 04-23-32 - Kirt Irving Taylor and Stacy Taylor 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 – 9/16/2022. **Order Imposing Fine Lien of \$100 per day, to a maximum of \$15,000, imposed May 23, 2023. Compliance = August 25, 2023. Amount due: \$9,400.00 + \$24.00 recording fees = \$9,424.00.**

Mr. Kirt Taylor and Ms. Stacy Taylor appeared via Zoom and were sworn in.

Mr. Taylor stated storms prevented them from getting the license and they had been through multiple contractors. He stated in May, the issue with the fence started and a lien was put on the property. He stated they didn't want to take down the fence since the neighbors had dogs. He stated the neighbor told them the fence was theirs and hired a contractor and were waiting on paperwork. He stated his son patched the fence to pass inspection.

Mr. Riggio stated according to the meeting minutes, there were life/safety issues of smoke detectors and missing screens.

Inspector Tomengo stated there were attempts to schedule inspections with her son but there were conflicts. She stated he was not answering the phone or the door. She stated she had communication and scheduled inspection with them in January and spoke to them regarding the damage and repairs. She stated she scheduled a follow-up inspection for February and Mr. Taylor called and said the property was not ready. She stated she finally completed an inspection in April.

Mr. Riggio asked if there were tenants.

Inspector Tomengo stated no but the case started as the result of a complaint of renting room, one that had no emergency escape. She stated in August, the Respondents told her they were renting to Embry Riddle students.

Mr. Taylor stated the wall took so long, the screens and smoke detectors were done fast.

Mr. Riggio asked in April 2022 when there were tenants if there were smoke detectors.

Ms. Taylor stated they had done a lot of work to the property. She stated they had smoke detectors but not in the hall.

Mr. Taylor stated they replaced the screens immediately.

There was further discussion regarding the lien and that the Respondents will be required to pay the amount within 30 days or the fine reverts back to the original amount.

Inspector Tomengo stated she had no chance to go back to the property until August and at that time the survey for the fence was still not completed and the permit is still open.

Mr. Jackson stated it took the Respondents a year to comply.

DISPOSITION: The Special Magistrate reduced the amount of the lien to \$4,500, payable within 90 days, or the fine reverts back to the original amount.

CASE # 1 - RTL 08-23-36 - Kimberly Siegel is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **122 N Caroline St.** Violation(s) – **Zoning violation - the property is zoned RDM-6. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.** First Notified – 8/2/2023.

Ms. Kimberly Siegel came forward and was sworn in.

Inspector Yates stated the case was field driven. The property is zoned RDM-6 and short-term rentals, known as other accommodations are not a permitted use in this zoning district. He stated he first observed the violation on August 2nd and the owners were notified on August 2nd. He stated they were no longer active as of August 22, 2023. According to the website, the daily rate was \$200, there were 5 reviews, check in time was flex and check out was 1 pm and since this is an irreparable and irreversible violation is asking for a one-time fine in the amount of \$5,000.

Ms. Siegel stated her mom passed away and had no life insurance and she hoped to make money to cover the \$25,000 funeral. She stated she is a traveling nurse and only rented it on weekends.

Mr. Jackson stated the City's request that the violation be found irreparable and irreversible in nature and asked the Magistrate to consider it in his decision.

Ms. Siegel stated she was in St. Augustine working when the property was posted and took the advertising down as soon as she received the notice.

ACTION TO BE TAKEN: Continued from August 22, 2023 hearing for consideration of the imposition of a fine. IRREPARABLE/IRREVERSIBLE

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 since the violation was taken down immediately, a one-time fine in the amount of \$1,000 be imposed, payable

within 30 days, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence. It was further ordered the property is in Compliance as of August 22, 2023.

CASE # 2 - RTL 09-23-53 - Michael Kalicharan & Radha Singh is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **151 S Peninsula Dr.** 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 – 8/16/2023.

Mr. Michael Kalicharan and Ms. Radha Singh came forward and were sworn in.

Inspector Yates stated the case was field driven. The property is zoned RDB-6 and short-term rentals, known as other accommodations are not a permitted use in this zoning district. He stated he first observed the violation on August 16th and the owners were notified on the same day. He stated they were no longer active as of August 18, 2023. According to the website, the daily rate was \$224, there were 10 reviews, check in time was 3 pm and check out was 11 am and since this is an irreparable and irreversible violation is asking for a one-time fine in the amount of \$1,000.

Mr. Kalicharan waived repetition of Mr. Jackson's irreparable and irreversible argument given in Case #1 and Mr. Riggio stated he would take it into consideration when deciding the findings in the case. Mr. Kalicharan stated they made an honest mistake.

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 since the violation was taken down immediately, a one-time fine in the amount of \$1,000 be imposed, payable within 30 days, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence. It was further ordered the property is in Compliance as of August 18th, 2023.

CASE # 3 - RTL 09-23-54 - Sammy Thompson & Brittany Culpepper is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **268 Williams 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 – 8/16/2023.

Brittany Culpepper came forward and was sworn in.

Inspector Yates stated the case was field driven. The property is zoned PD-G and short-term rentals, known as other accommodations are not a permitted use in this zoning district. He stated he first observed the violation on August 16th and the owners were notified on the same day. He stated they were no longer active as of August 16th, 2023. According to the website, the daily rate was \$200, there were 7 reviews, check in time was 1 pm and check out was 12 pm and since this is an irreparable and irreversible violation is asking for a one-time fine in the amount of \$1,000.

Ms. Culpepper agreed to waive Mr. Jackson's presentation and agreed to his irreparable and irreversible argument to be placed on the record. She stated she graduated from Embry Riddle

in 2021 and informed the title company when she purchased the property what her intent was and no one mentioned it was not allowed.

Mr. Jackson explained the impact of a code lien.

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 since the violation was taken down immediately, a one-time fine in the amount of \$1,000 be imposed, payable within 30 days, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence. It was further ordered the property is in Compliance as of August 16th, 2023.

CASE # 4 - RTL 09-23-55 - Eykiena Shrdæ Crowley is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **300 Dahoon Holly Dr.** Violation(s) – **Zoning violation - the property is zoned PD-G. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.** First Notified – 9/1/2023.

Ms. Eykiena Shrdæ Crowley came forward and was sworn in.

Inspector Yates stated the case was field driven. The property is zoned PD-G and short-term rentals, known as other accommodations are not a permitted use in this zoning district. He stated he first observed the violation on September 1st and the owners were notified on the same day. He stated the listing was active up to September 21st, 2023. According to the website, the daily rate was \$30, there were 9 reviews, check in time was 4 pm and check out was 11 am and since this is an irreparable and irreversible violation is asking for a one-time fine in the amount of \$5,000.

Ms. Crowley stated she is a disabled vet and she thought she removed it but was focused on reservations instead of removing the site and that she was not taking any new bookings. She realized she had not completely closed it out and closed it on September 21st.

Mr. Riggio stated that the presence online is a violation and there is a three week gap before it was taken down. He asked if she spoke to the inspector.

Inspector Yates stated he has had no contact with the respondent.

Mr. Riggio asked from September 1st to September 21st were there any tenants.

Inspector Yates stated he did not notice any additional traffic during that time.

Mr. Riggio asked if the notice provided some way to get in contact with him.

Inspector Yates stated it has his email, address and phone number.

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

may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence. It was further ordered the property is in Compliance as of September 21st.

CASE # 5 - RTL 09-23-56 - Raheel Taylor is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **131 Tarragona Way**. 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 – 9/1/2023.

Mr. Raheel Taylor came forward and was sworn in.

Inspector Yates stated the case was field driven. The property is zoned SFR-5 and short-term rentals, known as other accommodations are not a permitted use in this zoning district. He stated he first observed the violation on September 1st and the owners were notified on the same day. He stated the listing was not active on September 26th, 2023. According to the website, the daily rate was \$100, there was 1 review, check in time was 4 pm and check out was 10 am and since this is an irreparable and irreversible violation is asking for a one-time fine in the amount of \$5,000.

Mr. Taylor waived the irreparable and irreversible presentation made in Case #1 and the argument was placed in the record.

Mr. Taylor stated she was just trying to survive and purchased the home two years ago. He stated she spent \$7,000 on taxes and installed solar panels and is still paying for them. He stated he gave the savings to the city already in taxes and has had to pick up a second job. He lives at the property. He stated everything is going up and he is 4 months behind on his mortgage.

Mr. Riggio stated he did not disagree. He stated the Respondent can rent the home on a long-term basis. He stated the City Commission establishes the rules and he can't invalidate a City Code. He stated in many cases out of state owners abuse the rules.

Mr. Jackson stated everyone has feelings and home ownership can be costly sometimes but the City cannot allow that which is prohibited by Code and short-term rentals are not allowed in certain areas of the City.

DISPOSITION: After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$4,000 be imposed, payable within 30 days, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence. It was further ordered the property is in Compliance as of September 26th.

Mr. Riggio called for recess at 10:28 am.

The meeting resumed at 10:37 am.

LR-4 - 115 S Grandview- RTL 11-21-235 - 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. Violation(s) – **Failure to obtain Rental License (RTL).** First Notified – 2/2/2021. **Order Imposing Fine Lien of \$100 per day, to a maximum of \$15,000, imposed April 26,**

2022. Compliance = July 27, 2023 Amount due: \$15,000.00 + \$24.00 recording fees + \$438.25 = \$15,462.25.

Mr. Wilson Zorrilla and Mr. Ralph Chiaia appeared via Zoom and were sworn in.

Mr. Riggio asked if the parties have reached any resolution.

Inspector Tomengo stated they were not able to reach a resolution and the City is recommending no reduction.

Mr. Zorrilla stated there was a shortage of windows and it took 4 or 5 months to get them. He stated he provided the inspector with proof and kept a line of communication open.

Inspector Tomengo stated the case started with previous owners who failed inspections twice before the property was sold. She stated the owners purchased 5 multi-unit properties from them and all had similar violations. She stated she reinspected the property on March 30, 2022 and the same violations existed and were still outstanding. She stated the utilities were not on in one unit, she had no access to one unit and there was still a boarded window in the bathroom. She stated the fine was ordered in April. She stated she received correspondence on August 14th via email. She stated 1 year from the original notice that the permits for five of the windows was pulled on September 22, 2022 and finalized on October 22, 2022. She stated she reinspected the property on February 10, 2023 and found new violations with a window unit installed without a permit. She stated the permit was pulled in July. She stated again the City is requesting no reduction.

Mr. Riggio stated the last pictures look like the property is up to standards.

Mr. Zorrilla stated the previous tenant broke the window and put one in. He stated the only other thing was paint.

Mr. Chiaia stated they were waiting for the permit and window over 7 months. He stated they applied in March and didn't get the permit until September.

Inspector Tomengo stated they had a property management group under hire and in an email stated they didn't have the budget.

Mr. Jackson asked the Respondents how many units they have in the City.

Mr. Zorrilla stated 19.

Mr. Sykes stated he considered the length of time to make repairs, the inspectors time was pulled in different ways and since it's an investment there is some assumed risk with purchasing a property.

Mr. Chiaia agreed.

Mr. Riggio stated he would prefer the parties reach a resolution.

There was discussion regarding the City agreeing to go midway and the Respondents requesting a lower amount of \$5,000.

Inspector Tomengo stated there were tenants moving in and out of the properties.

Mr. Riggio asked if they were collecting rents and the respondents said yes.

Mr. Jackson stated the City would be willing to stretch the time for payment to 90 days. The Respondent agreed.

DISPOSITION: The Special Magistrate reduced the amount of the lien to \$7,500, payable within 90 days, or the fine reverts back to the original amount.

CASE # 6 - RTL 09-23-57 - Fabiola E Lozano is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **425 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 – 8/31/2023.

Ms. Fabiola E Lozano came forward and was sworn in.

Inspector Yates stated the case was field driven. The property is zoned RP and short-term rentals, known as other accommodations are not a permitted use in this zoning district. He stated he first observed the violation on August 31st and the owners were notified on the same day. He stated the listing was not active on September 5th, 2023. According to the website, the daily rate was \$125, there were 6 reviews, check in time was 2 pm and check out was 12 pm and since this is an irreparable and irreversible violation is asking for a one-time fine in the amount of \$1,000.

Ms. Lozano waived Mr. Jackson's statement requesting a finding of irreparable and irreversible violation read in Case #1. He stated he originally purchased the home for family and friends and his nephew moved in and told her she could make some money. She recommended a warning.

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 be imposed, payable within 30 days, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence. It was further ordered the property is in Compliance as of September 5th.

CASE # 10 - RTL 09-23-61 - Stoza Inc is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.3, at **932 Pelican Bay Dr.** Violation(s) – **Zoning violation - the property is zoned PD-G. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.** First Notified – 8/7/2023.

Respondent was not present.

Inspector Yates stated the case was started as a complaint. He stated the property is zoned PD-G and short-term rentals, known as other accommodations are not a permitted use in this zoning district. He stated he first observed the violation on August 7th and the owners were notified on the same day. He stated the listing is still active today. He stated according to the website, the daily rate is \$462, there is 1 review, check in time is 4 pm and check out is 11 am. He stated he was on site and spoke to someone who said they were renting on August 7th. He

stated this is a third repeat violation and cited case RTL 03-23-22 in March of 2023 and RTL 06-23-42 in July of 2023. He stated he is asking for a finding of irreparable and irreversible violation and is asking for a one-time fine in the amount of \$15,000.

Mr. Jackson gave his argument for a finding of irreparable and irreversible.

Mr. Riggio noted the Respondent was not present and stated the first time they did appear to argue their case.

Ms. Stacy Cantu, Commissioner Zone 4, came forward and was sworn in. She stated she is City Commissioner in Zone 4 and a resident of Pelican Bay for 25 years. She stated the homeowner's association receives complaints daily on this property and that they also ignore the CRA rules. She stated they were being fined \$1000 per day by the CRA but it did not seem to affect them. She stated the CRA put up cameras to record the violations. She stated she is asking for the maximum fine. She stated there is much disruption to the neighbors by this property owner.

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 be imposed, payable within 30 days, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence. It was further ordered the property is not in Compliance.

CASE # 7 - RTL 09-23-58 - Rachel Rae Rands is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1030 Alice Dr.** Violation(s) – **Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.** First Notified – 8/31/2023.

Ms. Rachel Rae Rands came forward and was sworn in.

Inspector Yates stated the case was field driven. The property is zoned SFR-5 and short-term rentals, known as other accommodations are not a permitted use in this zoning district. He stated he first observed the violation on August 31st and the owners were notified on the same day. He stated the listing was not active on September 6th, 2023. According to the website, the daily rate was \$392, there were 24 reviews, check in time was 3 pm and check out was 11 am and since this is an irreparable and irreversible violation is asking for a one-time fine in the amount of \$1,000. It is further ordered the property is in Compliance as of September 6, 2023.

Ms. Rands waived Mr. Jackson's presentation asking for a finding of irreparable and irreversible violation in Case #1 to be incorporated into the record. She stated she purchased the property a year ago and found a church she loved. She stated she lives there and travels for work and sympathizes with people that are struggling.

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 be imposed, payable within 30 days, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence. It was further ordered the property is in Compliance as of September 6th.

CASE # 8 - RTL 09-23-59 - Majestic Mountain Investments LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1401 S Palmetto Ave # 517**. Violation(s) – **Zoning violation - the property is zoned MFR-20. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.** First Notified – 8/25/2023.

Ms. Lie Tan, owner, appeared via Zoom and was sworn in.

Inspector Yates stated the case was complaint driven. The property is zoned MFR-40 and short-term rentals, known as other accommodations, are not a permitted use in this zoning district. He stated he first observed the violation on August 25th and the owners were notified on the same day. He stated the listing is still active as of today. According to the website, the daily rate was \$111, there were 0 reviews, check in time was 4 pm and check out was 10 am. He stated on August 23rd he met someone onsite who stated they are renting through Airbnb. He stated he received an email from the owner on September 7th stating the advertising had been removed but it had not. He stated he is asking for a finding of irreparable and irreversible in nature is asking for a one-time fine in the amount of \$15,000.

Ms. Tan stated she called the Property Manager and the listing was taken off. She stated the property is for sale. She stated the HOA says she can rent it out for 2 weeks minimum and the realtor told her the same thing.

Inspector Yates showed his e-pad on screen where the listing is still active and he still receives complaints.

Ms. Tan stated the booking section has been blocked. She stated she heard Mr. Jackson's presentation and agreed to waive and have Mr. Riggio adopt it into the record. She stated there is nothing in booking.com or vrbo and she doesn't understand why it's still in Airbnb.

Inspector Yates stated there were people on site on August 25th and he went last week and received a complaint the people were there.

Mr. Jackson asked the inspector to elaborate on the complaints and asked what is she referring to as far as her Property Manager is concerned.

Inspector Yates stated the complaints came from the Grand Preserve HOA. He stated the Property Manager is Evolve USA who is one of the largest firms in the country that handles thousands of Airbnb properties.

Ms. Tan stated the HOA has a personality conflict with her and she did not know. She stated she is not the only one in the condominium renting.

Mr. Riggio stated the advertising has not been taken down.

Mr. Jackson gave the definition of transient lodging and explained that advertising is the violation.

Inspector Yates stated that the listing does not allow you to book dates currently but they can email Ms. Tan to request dates.

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 be imposed, payable within 30 days, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence. It was further ordered the property is not in Compliance.

CASE # 9 - RTL 09-23-60 - George B Lawrence is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **321 Seaview 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 – 9/5/2023.

Respondent was not present.

Inspector Yates stated the case was complaint driven. The property is zoned SFR-5 and short-term rentals, known as other accommodations are not a permitted use in this zoning district. He stated he first observed the violation on September 5th and the owners were notified on the same day. He stated the listing is still active as of today. According to the website, the daily rate is \$290, there are 8 reviews, check in time was 4 pm and check out was 12 pm and since this is an irreparable and irreversible violation is asking for a one-time fine in the amount of \$15,000. It is further ordered the property is not in Compliance.

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 be imposed, payable within 30 days, and for any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence. It was further ordered the property is not in Compliance.

Mr. Riggio asked if there was any miscellaneous business and a discussion was held that we will have an October meeting but the November and December meeting have been cancelled.

The meeting was adjourned at 12:39 pm.