
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

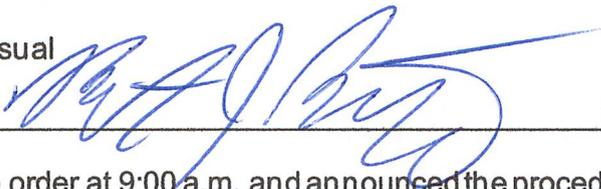
January 23, 2024 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Deputy City Attorney
Lt. William Walden, Daytona Beach Police Officer
Mr. Mark A. Jones , Code Compliance Field Supervisor
Mr. Kevin Yates, Rental Inspector
Ms. LaWanda Tomengo, Rental Inspector
Mr. Karl Wexelberg, 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 9:00 a.m. and announced the procedure for the meeting.

Mr. Riggio asked for announcements and there were none.

Mr. Riggio approved the minutes of the October 24, 2023 meeting.

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

Mr. Riggio called the first case.

LR-1 - RTL 07-21-146 - 1012 Hampton Rd - Craig 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 – 8/5/2020. Order Imposing Fine/Lien in the amount of One Hundred (\$100) Dollars per day to a maximum of Fifteen Thousand (\$15,000) Dollars imposed on August 24, 2021. Compliance = October 4, 2021. Amount due of \$4,200 plus \$24 recording fees and \$373.60 interest = **\$4,597.60**.

Ms. Jessica Gow, attorney for Mr. Conway, came forward.

Inspector Kevin Yates stated staff met with Ms. Gow and have agreed to a stipulation to reduce the amount of the fine to \$3000.

City of Daytona Beach Special Magistrate
City Commission - 301 S. Highway 1A, Daytona Beach, FL 32118

Robert J. Riggin, Special Magistrate

January 23, 2024 Minutes

Attendees:
Robert J. Riggin, Special Magistrate

Staff present:

Mr. Anthony Jackson, Deputy City Attorney
Lt. William Warden, Daytona Beach Police Officer
Mr. Mark A. Jones, Code Compliance Field Supervisor
Mr. Kevin Yates, Rental Inspector
Ms. Wanda Toranzo, Rental Inspector
Mr. Ken Warden, Rental Inspector
Ms. June Barnes, Board Secretary
Mr. Joe Graves, Auditor
Mr. Xavier Campbell, Auditor

Approval of Minutes by _____ Special Magistrate

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

Mr. Riggin asked for announcements and there were none.

Mr. Riggin approved the minutes of the October 21, 2023 meeting.

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

Mr. Riggin called the first case.

18-1 - RTL 07-21-148 - 1012 Hampton Rd - Craig Conway is cited for failure to correct violations of City Code Ord. 28-294 - Violation(s) - Failure to obtain Rental License (RTL) - First Notice - 6/27/2018 - Order Imposing Fine in the amount of One Hundred (\$100) Dollars per day to a maximum of Fifteen Thousand (\$15,000) Dollars imposed on August 24, 2021. Compliance - October 1, 2021. Amount due of \$4,200 plus \$24 recording fees and \$375.00 interest = \$4,575.00.

Ms. Jessica Gow, attorney for Mr. Conway, came forward.

Inspector Kevin Yates stated staff met with Ms. Gow and have agreed to a stipulation to reduce the amount of the fine to \$3000.

DISPOSITION: The Special Magistrate ordered the fine reduced to 3,000.00 payable within 30 days or the fine reverts back to the original amount.

LR-2 - RTL 07-22-147 – 210 Auditorium – Carlos Espada & Luisa Rincon Espada is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2. 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 – 1/20/2022. Order Of Non-Compliance & Finding of Irreparable and Irreversible Violation and Imposition of Fine in the amount of Fifteen Thousand (\$15,000) Dollars imposed on July 26th, 2022. Amount Due of \$15,000 plus \$24 recording fees plus \$913.15 interest = **\$15,937.15.**

Mr. Huggins, attorney for the case, came forward.

Mr. Huggins stated he is requesting a reduction in the lien. He stated the property was listed on Airbnb and taken down. He stated the violation was cited as a repeat violation but was inadvertently put on for 3-4 hours between 3 am and 7 am one day and was taken down again. He stated his client owns multiple properties and this done in error.

Inspector Yates stated there had been multiple fines put on this property.

Mr. Riggio stated he no longer has jurisdiction on the fine once it was moved to the circuit court and has no authority to invalidate the original ruling.

Mr. Anthony Jackson, Deputy City Attorney, stated the City has no change in their position, there is a prior history on this property, the violation is irreparable and irreversible, and City Statute allows a fine up to \$15,000 per occurrence.

Mr. Huggins stated that during the appeal, City Attorney Russell told him to go this route.

Mr. Riggio stated there are not sufficient materials to reconsider and he would deny the request without prejudice and consider a lien review and reduction if provided with the reason that a lien reduction would make the property useful.

Mr. Jackson stated if the Rental License is not being issued since there is a fine on the property, there are remedies in the ordinance.

Mr. Espada was sworn in. He stated he received a fine of \$5000 for the first violation. He stated when the violation was first issued, he emailed multiple times and received no response from the City. He feels he cannot effectively meet with the City.

DISPOSITION: The Special Magistrate denied reconsideration of the imposed lien without prejudice.

LR-3 - RTL 07-22-140 – 516 Phoenix Ave – 516 Phoenix LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 6/8/2022. **Order Of Non-Compliance & Finding of Irreparable and Irreversible Violation and Imposition of Fine in the amount of Ten Thousand (\$10,000) Dollars imposed on July 26th, 2022. Amount Due of \$10,000 plus \$24 recording fees plus \$630.17 interest = \$10,654.17.**

DISPOSITION: The Special Magistrate ordered the amount to be returned to \$500.00 payable within 30 days of the first review back to the original amount.

LR-3 - RTI 07-23-140 - 516 Phoenix Ave - 516 Phoenix LLC is cited for failure to correct violations of LDC Act, Sec. 17.1.A.2. (Violations) - zoning violation - the property is zoned RFR-2 (Short term rentals, known as "Other Accommodations") and the use is permitted use in the zoning district. Findings of triable and triable violation and imposition of fine in the amount of Fifteen Thousand (\$15,000) Dollars imposed on July 28th, 2023. Amount Due of \$15,000 plus \$24 recording fees plus \$613.15 interest.

Mr. Huggins, attorney for the case, came forward.

Mr. Huggins stated he is requesting a reduction in the fine. He stated the property was listed on Airbnb and taken down. He stated the violation was taken down on one day and was taken down immediately but on the 2nd day it was back up. He stated his client owns a triable violation and the fine is in error.

Inspector Yates stated there has been nothing done on the property.

Mr. Riggle stated he no longer has jurisdiction on the fine once it was moved to the circuit court and has no authority to invalidate the original ruling.

Mr. Anthony Jackson, Deputy City Attorney, stated the City has no changes in their position. There is a violation on the property, the violation is triable and triable, and City State allows a fine up to \$15,000 per violation.

Mr. Huggins stated that during the appeal, City Attorney Ramsey told him to do this route.

Mr. Riggle stated there are no additional materials to reconsider and he would deny the request without prejudice and consider it for review and reduction if provided with the reason that a new fact that would make the property usable.

Mr. Jackson stated the Rental License is not being issued and there is a fine on the property. There are remedies in the ordinance.

Mr. Espinoza was sworn in. He stated he received a fine of \$500 for the first violation. He stated when the violation was first issued he called multiple times and received no response from the City. He feels he cannot effectively meet with the City.

DISPOSITION: The Special Magistrate denied reconsideration of the imposed fine without prejudice.

LR-3 - RTI 07-23-140 - 516 Phoenix Ave - 516 Phoenix LLC is cited for failure to correct violations of LDC Act, Sec. 17.1.A.2. (Violations) - zoning violation - the property is zoned RFR-2 (Short term rentals, known as "Other Accommodations") and the use is permitted use in the zoning district. Findings of triable and triable violation and imposition of fine in the amount of Ten Thousand (\$10,000) Dollars imposed on July 28th, 2023. Amount Due of \$10,000 plus \$24 recording fees plus \$620.17 interest.

Mr. Rene Viamontes, owner came forward and was sworn in.

Mr. Huggins stated they are requesting a reduction in the lien due to financial hardship. He stated the property is in foreclosure and provided the Magistrate with a copy of the foreclosure documents. He stated the foreclosure has been pending since August of 2022.

Mr. Viamontes stated he needs a new roof, but the lender will not lend him the money with a lien on the property.

Mr. Riggio stated that he ruled on the case and upon appeal his ruling had been affirmed. He suggested the Respondent present the hardship of the roof to City Staff and try and reach a resolution.

Mr. Viamontes stated he received notice of a trial date for the foreclosure and stated the property has been in foreclosure since this case.

Mr. Jackson stated his paralegal just responded with a text that the case has not been noticed for trial and is in discovery phase. He stated the City's position is that the request should be denied.

Again, Mr. Riggio encouraged the Respondent to meet with the City and try to find a resolution which includes upgrades to the home such as the roof.

DISPOSITION: The Special Magistrate denied reconsideration of the imposed lien without prejudice.

LR-4 - RTL 10-23-62 -582 Revilo Blvd - Nalini & Arun Karamchandani is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2. 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 – 9/15/2023. **Order Of Non-Compliance & Finding of Irreparable and Irreversible Violation and Imposition of Fine in the amount of Fifteen Thousand (\$15,000) Dollars imposed on October 24th, 2023. Amount Due of \$15,000 plus \$24 recording fees = \$15,024.00.**

Ms. Nalini Karamchandani appeared via Zoom and was sworn in. She stated she was requesting the lien be taken off because they have had a long-term rental since September 1st.

Inspector Kevin Yates stated the advertisement was back up on Airbnb and he believed there was intention to obscure the property. He stated the picture of the front door had been modified. He stated he called the Respondent and she stated she did not put it up but by the end of the call it had been taken down.

Ms. Karamchandani gave the Magistrate a copy of a rental lease agreement beginning on September 1st. She stated she applied for the rental license in August and paid the \$14 for the Business Tax Receipt.

The Board Secretary stated the water bill was placed in the tenant's name on October 1st.

Ms. Karamchandani stated she had an agreement with the tenant to cover the first month's water bill.

Mr. Rene Viamonte, owner of a fourth floor was room in

Mr. Higgins stated they are requesting a reduction in the fee due to financial hardship. He stated the property is in foreclosure and provided the Affidavit with a copy of the foreclosure documents. He stated the foreclosure has been pending since August of 2022.

Mr. Viamonte stated he needs a new roof, but the lender will not lend him the money with a lien on the property.

Mr. Riggio stated that he ruled on the case and upon appeal his ruling had been affirmed. He suggested the Respondent present the findings of the City Staff and the Board which resolution.

Mr. Viamonte stated he received notice of a final date for the foreclosure and stated the property has been in foreclosure since this case.

Mr. Jackson stated the paralegal just responded with a text that the case has not been noticed for that and is in discovery phase. He stated that the City's position is that the case should be denied.

Again, Mr. Riggio encouraged the Respondent to meet with the City and try to find a resolution which includes upgrades to the home such as the roof.

DISPOSITION: The Special Magistrate denied reconsideration on the imposition, but without prejudice.

LR-4-FITL-10-23-02-282 Revilla Blvd - Nishi & Ann Karamchandani is cited for failure to correct violations of LDC Art 4 Sec 4.1.A; Art 2 Sec 4.2.A.3. Violation of Zoning violation - the property is zoned RFR-6 (short term rental, known as "Other Accommodations") and are not a permitted use in the zoning district. First noticed - 01/15/2023. Order of Non-Compliance & Finding of Inoperable and Invertible Violation and Imposition of Fine in the amount of Fifteen Thousand (\$15,000) Dollars imposed on October 24th, 2023. Amount Due of \$15,000 plus \$24 recording fee.

Ms. Nishi Karamchandani appeared via Zoom and was sworn in. She stated she was requesting the lien be taken off her lease as she has had a long-term rental since September 17.

Inspector Kevin Yates stated the advertisement was picked up on Airbnb and he believed there was intention to obscure the property. He stated the picture of the front door had been modified. He stated he called the Respondent and she stated she did not put it up but by the end of the call it had been taken down.

Ms. Karamchandani gave the Magistrate a copy of a rental lease agreement beginning on September 17. She stated she applied for the rental license in August and paid the \$14 for the Business Tax Receipt.

The Board Secretary stated the water bill was placed in the tenant's name on October 17.

Ms. Karamchandani stated she had an agreement with the tenant to cover the first month's water bill.

Mr. Riggio asked if this was part of the lease agreement.

Ms. Karamchandani stated it was a verbal agreement and not a part of the lease.

Mr. Riggio stated he is looking at the part of the lease that outlines utilities and it states the landlord will not pay any part of the utilities and it is the responsibility of the tenant.

Mr. Jackson explained the reasons this violation was found irreparable and irreversible in nature.

Mr. Riggio stated the description of hardship states that she wasn't at the last hearing due to car trouble.

She stated that was correct and she had a flat tire on the interstate.

Mr. Riggio asked if she had any records to show this, or cell phone records where she called for assistance. He stated he is having an issue reconciling the dates and they do not make sense.

Ms. Karamchandani did not respond.

DISPOSITION: The Special Magistrate denied reduction of the imposed lien.

LR-5 - RTL 09-23-60 - 321 Seaview Ave - 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. 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. **Order Of Non-Compliance & Finding of Irreparable and Irreversible Violation and Imposition of Fine in the amount of Fifteen Thousand (\$15,000) Dollars imposed on September 26th, 2023. Amount Due of \$15,000 plus \$24 recording fees plus \$319.13 = \$15,319.13.**

Mr. George Lawrence appeared via Zoom and was sworn in. He stated he does not live in Daytona and had no knowledge of the court date.

Inspector Yates stated staff met with Mr. Lawrence and has agreed to reduce the amount of the lien to \$2,000.

DISPOSITION: The Special Magistrate reduced the amount of the lien to \$2000, payable within 30 days or the fine reverts back to the original amount.

CASE # 8 - RTL 01-24-06 - Deborah Kirkland is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **127 Bridgeport Rd.** 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 – 11/2/2023.

Deborah Kirkland came forward and was sworn in.

Inspector Yates stated the case was field generated. He stated the property is zoned SFR-5 and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on November 2, 2023, and they were notified the same day. He stated the advertisement was taken down on November 7 with a rate of \$325, check in by 4 pm and

Mr. Riggio asked if this was part of the lease agreement.

Ms. Karamchandani stated it was a violation of the lease and not a part of the lease.

Mr. Riggio stated he is looking at the part of the lease that outlines utilities and it states the landlord will not pay any part of the utilities and it is the responsibility of the tenant.

Mr. Jackson explained the reason this violation was not reported previously is because

Mr. Riggio stated the description of the violation was not correct. The violation was not a

She stated that was correct and she had a letter on the violation.

Mr. Riggio asked if she had any records to show that she had phone records which are listed for assistance. He stated he is having an issue tracking the dates and they do not have access

Ms. Karamchandani did not respond.

DISPOSITION: The Special Magistrate determined the violation of the original part.

L-25 - RTI 03-23-20 - 321 Seaway Ave - George B Lawrence is cited for failure to correct
violations of LDC Art 4 Sec 4.1.A.1. 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 noticed - 11/23/2013. Order Of Non-Compliance &
Finding of Inoperable and Inconvertible Violation and Imposition of Fine in the amount of
Fifteen Thousand (\$15,000) Dollars imposed on September 22, 2013. Amount Due of
\$15,000 plus \$24 recording fees plus \$319.75 = \$15,319.75.

Mr. George Lawrence appeared via Zoom and was sworn in. He stated he does not live at
Dayton and had no knowledge of the court date.

Inspector Yates stated staff met with Mr. Lawrence and he agreed to reduce the amount of the
fine to \$7,000.

DISPOSITION: The Special Magistrate reduced the amount of the fine to \$7,000, payable within
30 days of the date of the original court date.

CASE # 8 - RTI 03-24-08 - Deborah Kinkland is cited for failure to correct violations of LDC
Art 4 Sec 4.1.A.1. 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 noticed - 11/23/2013.

Deborah Kinkland came forward and was sworn in.

Inspector Yates stated the case was not reported. He stated the property is zoned SFR-5
and short-term rentals, known as "Other Accommodations", are not permitted. He stated he did
not observe the violation on November 2, 2013, and they were notified the same day. He stated
the advertisement was taken down on November 7 with a rate of \$235, checked by 4 persons

check out by 11 am. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$1000.

Ms. Kirkland read excerpts from Florida law stating that regulation of short-term rentals is not allowed. She stated she tried to look up something from the City but didn't find anything. She stated she has been hosting through VRBO since 2015 and has hundreds of reviews. She stated her income dropped when her husband passed so she purchased the house in 2019 and spent 3 years renovating with an intention to short-term rent. She stated the State of Florida allows short-term rentals. She stated she spoke to the inspector to find out how to come into Compliance and she watched previous hearings.

Mr. Jackson explained the City's local code on short-term rentals and zoning issues. He agreed some people appear to not know what to do and explained the City tries to be fair and consistent in applying the Code, but it is the city's only method to enforce the code. He stated the city is requesting a \$1000 fine.

Ms. Kirkland stated the City's process of notifying people that short-term rentals are not allowed is not good and the fees are excessive. She stated she never rented the house. She asked when the violations occur.

Inspector Yates stated when the advertisement is posted.

Ms. Kirkland asked why short term rentals keep occurring.

Mr. Riggio stated because there is a monetary incentive. He stated it's been in the newspaper, on the news and the City is limited in being able to make changes. He stated there are areas in the City where short-term rentals are 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 and is a repeat violation. He imposed a one-time fine in the amount of \$1,000, 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 November 7, 2023.

CASE # 1 - RTL 01-24-12 - Bradford J Bowls is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **924 Vine St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/24/2023.

Respondent was not present.

Inspector Karl Wexelberg stated the case was field generated and remains in Non-Compliance. He stated there has been no inspection or progress since May and 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 February 21, 2024, or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 2 - RTL 01-24-17 - Hancock Property Management LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **175 Yorktowne Dr #UT 4.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/10/2023.

Chris Bartos, co-owner, appeared via Zoom and was sworn in.

Inspector Tomengo stated the case was opened on August 10th. She stated her findings were that this is an unlicensed rental property and is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Bartos stated he has applied for the license and the inspector found a few items that needed to be corrected. He stated he corrected all but an issue with windows. He stated his General Contractor replaced the windows but did not pull a permit. He stated he is trying to find a GC to pull the permit.

Inspector Tomengo stated she inspected the property in September of 2022 and she had communication with Ms. Bartos in May of 2023 but has had no other communication.

Mr. Riggio asked if the property was occupied.

Inspector Tomengo stated yes and work was installed without permits.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 21, 2024 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

IRREPARABLE/IRREVERSIBLE

CASE # 3 - RTL 10-23-69 - Robert & Nancy Beverly Hackman is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **715 S Beach #112-D**. Violation(s) – **Zoning violation - the property is zoned MFR-40. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.** First Notified – 9/13/2023.

Ms. Beverly Hackman appeared via Zoom and was sworn in.

Inspector Yates stated the case was field generated. He stated the property is zoned MFR-40 and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on September 13, 2023, and they were notified the same day. He stated the advertisement was taken down on October 25th, 2023, with a daily rate of \$87, 1 review, check in by 4 pm and check out by 10 am. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$5000.

Mr. Jackson gave the City's argument as to why they are requesting this case to be found irreparable and irreversible.

Ms. Hackman stated she was on strike for 2 months and it put them in a bad position. She stated they purchased the property for retirement and neither the realtor nor HOA objected.

Mr. Riggio asked why she did not take the advertising down upon notification by the City.

Ms. Hackman stated she did not know that the City's ordinance overrode what the HOA said, and the HOA allows 30 day rentals.

Chris Bates co-owner, requested via Zoom and was sworn in.

Inspector Tomengo stated the case was opened on August 10th. She stated her findings were that there is an unlicensed rental property and is requesting a finding of Non-Compliance and next step to come into Compliance.

Mr. Bates stated he has applied for the license and the inspection found a few items that needed to be corrected. He stated he contacted all the issues with what he stated the General Contractor table at the time, but did not get a permit. He stated he is trying to find a GC to call the permit.

Inspector Tomengo stated she reported the property in September of 2022 and she had communication with Mr. Bates in May of 2023 but has had no other communication.

Mr. Riggle asked if the property was occupied.

Inspector Tomengo stated yes and work was installed without permits.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 21, 2024 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

IRREPARABLE/IRREVERSIBLE

CASE # 1 - RTI 10-21-22 - Robert & Nancy Beverly Hackman is cited for failure to correct violations of LDC Art 4 Sec 1.1. Art 4 Sec 8.2.1.2 at 715 S Beach #113 D Violation(s) - zoning violation - the property is zoned MFR-40. Short term rentals, known as "Other Accommodations", are not permitted use in the zoning district. First cited - 01/23/23.

Ms. Beverly Hackman appeared via Zoom and was sworn in.

Inspector Yates stated the case was filed generated. He stated the property is zoned MFR-40 and short-term rentals, known as "Other Accommodations", are not permitted. He stated he observed the violation on September 13, 2023, and they were notified the same day. He stated the advertisement was taken down on October 25th, 2023, with a daily rate of \$250. A review check in by 4 pm and closed out by 10 am. He stated the violation is term, local and non-recurring and is seeking for a fine in the amount of \$5000.

Mr. Jackson gave the City's argument as to why they are requesting this case to be found irreparable and irreversible.

Ms. Hackman stated she was on strike for 1 month and 1/2 but in a bad position. She stated they purchased the property for retirement and neither the realtor nor HOA objected.

Mr. Riggle asked why she did not take the advertising down upon notification by the City.

Ms. Hackman stated she did not know that the City's ordinance overrode what the HOA said, and the HOA allows 30 day rentals.

Mr. Riggio stated she could have spoken to the Inspector and that it is general knowledge that the City's ordinance would override an HOA. He stated this is a business operation and you have an obligation to make sure it is legitimate.

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 is a repeat violation. He imposed a one-time fine in the amount of \$5,000, 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 October 25, 2023.

CASE # 4 - RTL 01-24-01 - Carlos Ramirez is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **116 Bellevue Ave.** Violation(s) – **Zoning violation - the property is zoned MFR-40. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.** First Notified – 10/6/2023.

Mr. Carlos Ramirez came forward and was sworn in.

Inspector Yates stated the case was field generated. He stated the property is zoned MFR-40 and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on October 6, 2023, and they were notified the same day. He stated the advertisement is still active today. He stated the site posts a daily rate of \$300, no more than 5 guests. He stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$15,000. He stated the Airbnb ad was taken down, but the VRBO ad is still booking as of Thursday.

Mr. Riggio asked if there were any reviews.

Inspector Yates stated he did not observe any.

Mr. Ramirez stated that he did the Airbnb ad and wasn't aware of the VRBO ad. He stated he hired someone to market the rental. He stated when he was noticed he reached out and told the employee to cease and desist. He stated the employee no longer works for him. He stated the ad he knew about he took down immediately.

Inspector Yates stated there were no reviews and he did not observe anyone staying at the location. He stated many hosts block reviews.

Mr. Ramirez stated no one has ever stayed there but him and he is staying there now. He stated he is asking for lenience and waived repetition of Mr. Jackson's irreparable and irreversible argument.

Mr. Jackson asked the Magistrate to consider his irreparable and irreversible argument in his decision.

Mr. Riggio stated that he would consider the argument Mr. Jackson gave in case #3 as part of his decision.

Mr. Ramirez stated he would have any ad removed by today.

Mr. Riggio stated this is a case that may need to be continued so that he can measure the speed at which Mr. Ramirez can take care of the ad.

Mr. Ramirez asked for an hour.

Mr. Riggio continued the case until later on in this proceeding.

Mr. Riggio called a recess at 10:57 am. The meeting resumed at 11:10 am.

CASE # 9 - RTL 01-24-07 - Kimberly M & Bruce W Woodburn is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1225 Sunland Rd.** 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 – 10/31/2023.

Mr. Bruce W Woodburn came forward and was sworn in.

Inspector Yates stated the case was field generated. He stated the property is zoned SFR-5 and short-term rentals, known as “Other Accommodations” are not permitted. He stated he first observed the violation on October 31, 2023, and they were notified the same day. He stated the advertising was taken down on November 7, 2023. He stated the site posts a daily rate of \$200, has 7 reviews, check-in 4 pm and check out 11 am. He stated the violation is irreparable and irreversible and is asking for a one-time fine in the amount of \$1,000.

Mr. Woodburn waived repetition of Mr. Jackson’s irreparable and irreversible argument. Mr. Jackson asked the Magistrate to consider it in his decision.

Mr. Riggio stated that he would incorporate the argument Mr. Jackson gave in case #3 as part of his decision.

Mr. Woodburn stated he had been before the court in July and was fined \$750 for posting the property online, which he immediately removed. He stated he was unaware, and he paid the fine. He stated he doesn’t know when the reviews came in and the site has been down at our request. He stated he had a 1-year lease and made a mistake posting it online and has no knowledge of who posted the reviews.

Inspector Yates stated the reviews are from July and August.

Mr. Woodburn stated he got his licenses and had inspection and removed everything from the site. He stated he did not want to take any chances. He stated the property is his residence and he did make a mistake, but he doesn’t know when the reviews appeared and he does not recognize the names.

Inspector Yates stated the reviews are clear. He stated he did not have the knowledge he had had before the Magistrate before.

Mr. Jackson stated the City will stand the \$1,000 fine.

Mr. Riggio questioned how he took everything down as soon as the last hearing. He asked how people can put reviews up if it’s taken down.

Mr. Yates stated it has to be up and we have the photos. If the listing is turned off it is no longer searchable.

Mr. Ramirez asked for an hour.

Mr. Riggio continued the case until later on in the proceeding.

Mr. Riggio called a recess at 10:27 am. The meeting resumed at 11:10 am.

CASE # 3 - RTL 01-24-07 - Kimberly M & Bruce W Woodburn is cited for failure to comply with L.C.A. § 223.03(1)(a) and § 223.03(1)(b). Violation of zoning ordinance - (the property is zoned SFR-2, short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified - 10/31/2020)

Mr. Bruce W Woodburn came forward and was sworn in.

Inspector Yates stated the case was filed generated. He stated the property is zoned SFR-2 and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on October 31, 2020, and they were notified the same day. He stated the existing use taken down on November 1, 2020. He stated the site posts a delinquent of \$200. First reviews checked on 11 and he stated the violation is in progress and is asking for a one-time fine in the amount of \$1,000.

Mr. Woodburn waived repetition of Mr. Jackson's inquiries and revocable agreement. Mr. Jackson asked the Magistrate to consider it in his decision.

Mr. Riggio stated that he would incorporate the argument Mr. Jackson gave in case #3 as part of his decision.

Mr. Woodburn stated he had been before the court in July and was fined \$750 for posting the property online, which he immediately removed. He stated he was unaware and he paid the fine. He stated he doesn't know when the reviews came in and the site had been down at one point. He stated he had a 1-year lease and made a mistake posting it online and has no knowledge of what he posted the reviews.

Inspector Yates stated the reviews are from July and August.

Mr. Woodburn stated he got his license and had inspection and removed everything from the site. He stated he did not want to take any chances. He stated the property is his residence and he did make a mistake, but he doesn't know when the reviews appeared and he does not recognize the name.

Inspector Yates stated the reviews are clear. He stated he did not have the knowledge he had had before the Magistrate before.

Mr. Jackson stated the City will stand the \$1,000 fine.

Mr. Riggio questioned how he took everything down as soon as the last hearing. He asked how people can put reviews up if it's taken down.

Mr. Yates stated it has to be up and we have the protocol. If the listing is turned off it is no longer searchable.

Mr. Woodburn disagreed.

Mr. Yates stated the first review happened in October and they stayed in August 2023 and the second happened in August and they stayed in July 2023 and the 3rd one is cut off.

Mr. Riggio stated the last two reviews are just pulling up old history.

Mr. Yates stated it was bookable.

Mr. Woodburn stated it was not bookable. He stated he completely removed everything after the last appearance and Karl came and did an inspection. He stated he has been in complete compliance and intends to be in complete compliance. He stated he appeared on July 27th, 2023. He stated he cannot examine that person.

Mr. Yates stated the August stays would have been beyond that. He stated only accounts that have sent money can leave a review.

Mr. Riggio stated he is looking at written documentation that confirms a rental, but he may have documents as to who stayed there when.

Mr. Yates stated his documents are date-stamped for that date and he is giving sworn testimony.

Mr. Woodburn stated he would like to resolve the matter today and has admitted to doing wrong and admits he rightly took it down. He stated no one else could have put it back up and that he is not very good at it. He stated he did not know how to check it without activating it.

There was additional discussion as to how it was active, and Mr. Woodburn accepted the fine.

DISPOSITION: After hearing the arguments and based on Mr. Woodburn's demeanor, 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 is a repeat violation. He imposed a one-time fine in the amount of \$500, 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 November 7, 2023.

Mr. Yates stated that the ad for 116 Bellevue is now down.

Mr. Riggio recalled Carlos Ramirez from case #4 and stated that he had been previously sworn.

Mr. Yates stated the site has now been taken down and his concern is that was very quickly for someone who had no knowledge or control before today. He stated he is still asking for a fine in the amount of \$15,000.

Mr. Riggio stated the Airbnb listing was immediately taken down and the VRBO left up and asked the inspector if both had been taken down what would he be asking for.

Mr. Yates stated he would be seeking \$1,000 and stated there were no reviews after October 6th on VRBO.

There was discussion whether reviews after October 6th would indicate that the listing had been taken down.

Mr. Woodburn disagreed.

Mr. Yates stated the first review happened in October and they stayed in August 2022 and the second happened in August and they stayed in July 2023 and the 3rd one is out of...

Mr. Riggio stated the last two reviews are just pulling up old history.

Mr. Yates stated it was possible.

Mr. Woodburn stated it was not possible. He stated the complaint removed everything after the last appearance and Kati came and did an inspection. He stated he had been in compliance and intends to be in complete compliance. He stated the agreement on July 27, 2023. He stated he cannot examine that document.

Mr. Yates stated the August stay would have been beyond that. He stated only accounts that have sent money can leave a review.

Mr. Riggio stated he is looking at written documentation that contains a rental, but he may have documents as to who stayed there when.

Mr. Yates stated the documents are not stamped for the date and he is going to review that today.

Mr. Woodburn stated he would like to review the matter today and has wanted to help today and admit he might look it down. He stated no one else could have pulled back to a 30-day period and he did not know how to check it without activating it.

There was additional discussion as to how it was solved and Mr. Woodburn agreed that the final...

DISPOSITION: After hearing the arguments and based on Mr. Woodburn's demeanor, the Special Magistrate found that the property was previously in Non-Compliance for violation of LUC Art 5 Sec. 1.1. A.A. 5 sec. 2. A.S. and that the violation was repeatable and inevitable in nature and is a repeat violation. He imposed a one-day fine in the amount of \$500, payable within 30 days, and for any future repeat violations any be referred to the Magistrate for consideration of a fine up to \$15,000 per occurrence. It was further stated the property is in compliance as of November 7, 2023.

Mr. Yates stated that the 3rd for the Bellvue is now down.

Mr. Riggio recalled Carlos Ramirez from case #4 and stated that he had been previously sworn.

Mr. Yates stated the site has now been taken down and his concern is that was very quickly for someone who had no knowledge or control before today. He stated he is still seeking for a fine in the amount of \$15,000.

Mr. Riggio stated the Airbnb listing was immediately taken down and the VRBO listing and asked the inspector if both had been taken down what would he be asking for.

Mr. Yates stated he would be seeking \$1,000 and stated there were no reviews after October 6th on VRBO.

There was discussion whether or not reviews after October 6th would indicate that the listing had been taken down.

Mr. Ramirez stated the property has never been rented and is still under renovation.

Mr. Yates stated he wasn't aware of the second site until last Thursday and since the case has "unique qualities to it" under the circumstances he would be willing to revise his request to \$5000.

Mr. Ramirez stated he had to humble himself and call the other person to take it down. He stated he had to pay him and they did not end on good terms.

Mr. Riggio stated he was taking him at his word that he was not aware of it.

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 is a repeat violation. He imposed a one-time fine in the amount of \$1,000, 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 January 23, 2024.

Mr. Riggio told the inspector when people contact him they need to be made aware that any and all postings need to be taken completely down.

Mr. Yates stated he does, and Mr. Ramirez agreed.

CASE # 5 - RTL 01-24-02 - Eslam Esmat Antar Farghaly is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1014 Essex Rd.** 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 – 10/6/2023.

Mr. Eslam Farghaly came forward and was sworn in.

Inspector Yates stated the case was field generated. He stated the property is zoned SFR-5 and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on October 6, 2023, and they were notified the same day. He stated the advertising was stopped on October 9, 2023. He stated the site posts a daily rate of \$48, maximum of 3 guests and no smoking. He stated the violation is irreparable and irreversible and is asking for a one-time fine in the amount of \$1,000.

Mr. Farghaly waived repetition of Mr. Jackson's irreparable and irreversible argument presented in case #3.

Mr. Riggio stated Mr. Jackson's irreparable and irreversible arguments are incorporated into the record.

Mr. Farghaly stated he was just looking into his house and wanted to see if he could rent just one room. He stated he did not finish the account and immediately took it down. He stated he searched google and did not find anything that said it was a violation.

Mr. Riggio stated the advertisement was posted.

There was discussion regarding details on the listing and the advertisement being the violation.

Mr. Farghaly stated no money came into his pocket from renting.

Mr. Ramirez stated the property has never been rented and is still under renovation.

Mr. Yates stated he was the owner of the property until last Thursday and all the other cases are "multi-parties to it" and the other parties would be willing to review his request for \$2000.

Mr. Ramirez stated he had to turn the property over to another person to take it down. He stated he had to pay for the materials and they did not even own the materials.

Mr. Riggio stated he was talking to him about the case and he was not aware of it.

DISPOSITION: After hearing the arguments, the Medical Director found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A.1. and 5. A.2. A.3. and that the violation was repeatable and may be a health hazard. He imposed a one-time fine in the amount of \$1,000, payable within 30 days, and for any future repeat violations may be returned to the Medical Director for consideration of a fine up to \$2,000 per occurrence. It was further ordered that the property is in Compliance as of January 23, 2018.

Mr. Riggio told the inspector when people contact him they need to be made aware that any and all postings need to be taken completely down.

Mr. Yates stated he does, and Mr. Ramirez agreed.

CASE #3 - RTI 01-24-01 - Estate Estate - Mr. Riggio stated that the property is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A.1. and 5. A.2. A.3. of the Code of Ordinances. The citation is known as "Other Accommodations" and the property is cited for violation of LDC Art. 4 Sec. 4.1.A.1. and 5. A.2. A.3. of the Code of Ordinances. The citation is known as "Other Accommodations" and is not permitted use in the zoning district. The citation is known as "Other Accommodations" and is not permitted use in the zoning district. The citation is known as "Other Accommodations" and is not permitted use in the zoning district. The citation is known as "Other Accommodations" and is not permitted use in the zoning district.

Mr. Estate Fairly came forward and was sworn in.

Inspector Yates stated the case was filed generated. He stated the property is cited for violation of LDC Art. 4 Sec. 4.1.A.1. and 5. A.2. A.3. of the Code of Ordinances. The citation is known as "Other Accommodations" and is not permitted use in the zoning district. The citation is known as "Other Accommodations" and is not permitted use in the zoning district. The citation is known as "Other Accommodations" and is not permitted use in the zoning district. The citation is known as "Other Accommodations" and is not permitted use in the zoning district.

Mr. Fairly waived repetition of Mr. Jackson's irrefutable and irreversible significant presence in case #3.

Mr. Riggio stated Mr. Jackson's irrefutable and irreversible significant presence is incorporated into the record.

Mr. Fairly stated he was just looking into his house and wanted to see if he could rent just one room. He stated he did not finish the account and immediately took it down. He stated he searched google and did not find anything that said it was a violation.

Mr. Riggio stated the advertisement was posted.

There was discussion regarding details on the hearing and the advertisement being the violation.

Mr. Fairly stated no money came into his pocket from renting.
Case #3

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 is a repeat violation. He imposed a one-time fine in the amount of \$1,000, 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 October 9, 2023.

CASE # 6 - RTL 01-24-04 - Cindy Lee Niles is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1045 Chaffee Pl.** 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 – 10/20/2023.

Ms. Cindy Lee Niles came forward and was sworn in. Mr. Walter Snell, attorney, came forward.

Inspector Yates stated the case was field generated. He stated the property is zoned SFR-5 and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on October 20, 2023, and they were notified the same day. He stated the advertising was stopped on October 24, 2023. He stated the site posts a daily rate of \$85, 126 reviews, rules are check-in 3 pm and check out by 11 am. He stated this is the second case by this owner at this address. He stated the first case was November 2021. He stated the violation is irreparable and irreversible and since this is the second case for this owner is asking for a one-time fine in the amount of \$15,000.

Mr. Snell waived repetition of Mr. Jackson's irreparable and irreversible argument. Mr. Jackson asked the Magistrate to consider it in his decision.

Mr. Riggio stated that he would incorporate the argument Mr. Jackson gave in case #3 as part of his decision in this proceeding.

Mr. Jackson stated historically that if it is a repeat violation we would ask for the maximum fine.

Mr. Snell stated she has owned the property for over 25 years and wanted a roommate for additional income and having someone else in the home. Advertised about 3 years ago and is not as familiar with the process. He stated she complied when the case came for hearing in 2021. He stated she was out of the country for 3 weeks and when the notice came, she did not know what it was about. She stated knowing that she was looking for a roommate, her daughter, who advertises for other properties received a lead from one of those and opened the listing to receive payment for a long-term roommate for payment of first month and security. Mr. Snell presented the Magistrate with a copy of the one-year lease. He said all subsequent rental was paid through a different entity.

Ms. Niles stated she lives on a teacher's salary and has rentals above her building and has been in compliance since 2021. She stated she left October 1st and came back on the 28th and was not aware of the ad. She stated her daughter called her and told her she had opened it back up.

Mr. Snell stated they both had spoken to her daughter and asked the court to consider it was not intentional.

DISPOSITION: After hearing the arguments, the Special Magistrate found that the property was in violation of the Rental Properties Ordinance for the following: 1. A violation of 2024.02.01 and 2024.02.02 for the failure to maintain the property in accordance with the ordinance. The Special Magistrate found that the property was in violation of the Rental Properties Ordinance for the following: 1. A violation of 2024.02.01 and 2024.02.02 for the failure to maintain the property in accordance with the ordinance. The Special Magistrate found that the property was in violation of the Rental Properties Ordinance for the following: 1. A violation of 2024.02.01 and 2024.02.02 for the failure to maintain the property in accordance with the ordinance.

CASE # 4 - RTL 01-24-01 - Cindy Lee Niles is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A. Art. 5 Sec. 2.5.A.2, at 1048 Chapter 4 - Violation(s) - "Zoning violation - the property is zoned SFR-2. Short term rentals, known as "Other Accommodations", are not a permitted use in the zoning district. For Niles - 10202023.

Ms. Cindy Lee Niles came forward and was sworn in. Mr. Victor Shell, attorney, came forward.

Inspector Yates stated the case was first reported. He stated the property is zoned SFR-2 and short-term rentals, known as "Other Accommodations", are not permitted. He stated the first violation on October 20, 2023, and they were notified the same day. He stated the advertising was stopped on October 24, 2023. He stated the one post a daily rate of \$88.125 reviews, rules are checked in 3 pm and checked out by 11 am. He stated this is the second case for this owner at this address. He stated the first case was November 2021. He stated the violation is repeatable and inevitable and since this is the second case for this owner, a citation for one-time fine in the amount of \$10,000.

Mr. Shell waived objection of Mr. Jackson, attorney, and reversible judgment. Mr. Jackson asked the Magistrate to consider the decision.

Mr. Ripstein stated that he would incorporate the argument Mr. Jackson gave in case #3 as part of his decision in this proceeding.

Mr. Jackson stated that if it is a repeat violation we would ask for the maximum fine.

Mr. Shell stated she has owned the property for over 25 years and wanted a roommate for additional income and having someone else in the house. Admitted about 3 years ago and is not as familiar with the program. She stated she complied with the case came for hearing in 2021. He stated she was out of the country for 3 weeks and when she returned, she did not know what was about. She stated her roommate was looking for a roommate, her daughter who advertises for other properties received a lead from one of those and opened the listing to receive payment for a long-term room rate for payment of that month and security. Mr. Shell presented the Magistrate with a copy of a one-way lease. He said all subsequent rentals were paid through a different entity.

Mr. Niles stated she lives on a ranch and has rentals above her building and has been in compliance since 2021. She stated she left October 14 and came back on the 28th and was not aware of the ad. She stated her daughter called her and told her she had opened a back

Mr. Shell stated they both spoke to her daughter and asked if a court to consider it was not intentional.

Mr. Riggio stated the City's Land Development code prohibits short-term rentals in areas unless it is allowed. He asked what happens when someone uses a short-term platform for a long-term rental.

Mr. Jackson stated the short-term platforms use words like "check in" and "check out" and "daily rate" and provides means to short-term rent a property. He stated Art 5 of the City's code states short-term rentals are visitor accommodations like hotels and motels etc. that are intended to be used by transient persons for short-term lodging. He stated the Article uses phrases such as "guests" and references to holding out that which is prohibited by our code.

Mr. Riggio asked the inspector if there was anything on this site that shows whether a property is rented short or long term.

There was further discussion whether it is possible to rent long term on short-term platforms.

Mr. Yates stated the Respondent was told from the previous case not to put it back up.

There was discussion regarding reviews being on the site, but the Inspector stated he did not see new reviews.

Mr. Snell stated based on the dates it was an old listing and they admit they it was brought back up. He stated it was brought up just so the tenant could pay and then right back down again.

There was discussion regarding the timeline the advertising was put up and when it came down and deactivated.

Mr. Riggio stated since her daughter is not here, he does not have first-hand knowledge of what transpired, and if it is an unintentional violation.

Mr. Snell stated the next case is in Ms. Niles' corporation name and would come back to a future hearing with the tenant and/or the daughter.

Mr. Riggio stated he thinks the extra testimony would be helpful in dealing with the penalty.

Mr. Yates asked Ms. Niles if her daughter was managing her Airbnb in 2021 and she said yes. He stated her daughter was on notice with the last case.

Mr. Snell stated the ad was brought back up just to perform the financial transaction on a long-term rental.

DISPOSITION: Mr. Riggio continued the case to the February 27, 2024 hearing.

CASE # 7 - RTL 01-24-05 - CBPR Inc is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **534 N Peninsula Dr.** Violation(s) – **Zoning violation - the property is zoned BR-1. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.** First Notified – 10/20/2023.

DISPOSITION: Mr. Riggio continued the case to the February 27, 2024 hearing.

Mr. Riggio called a recess at 12:51 pm. The meeting resumed at 1:30 pm.

Mr. Riggin stated the City's Land Development Code prohibits the use of short-term rental units unless it is allowed. He asked what the code says about short-term rental units for a long-term rental.

Mr. Jackson stated the short-term rentals are what are often called "crack out" and "daily rate" and provides means to short-term rental property. He stated Art 4 of the Code states short-term rentals are visitor accommodations like hotels and motels and that the code is used by transient persons for short-term lodging. He stated the Article uses phrases such as "guests" and references to lodging but that which is prohibited by the code.

Mr. Riggin asked the inspector if there was anything on the site that shows whether a property is rented short or long term.

There was further discussion whether it is possible to rent long term on short-term platforms.

Mr. Yates stated the Respondent was told from the previous case not to put back up.

There was discussion regarding review being on the site. But the Inspector stated he did not see new reviews.

Mr. Shell stated based on the data it was an old listing and they didn't have a printout back up. He stated it was brought up just so the tenant could pay and then right back down again.

There was discussion regarding the timeline the advising was to put up and when it came down and deleted.

Mr. Riggin stated since her daughter is not here, he does not have that much knowledge of what happened, and it is an unintentional violation.

Mr. Shell stated the next case is in Mr. Niles' court room name and would come back to a future meeting with the tenant and/or the daughter.

Mr. Riggin stated he thinks the extra testimony would be helpful in dealing with the penalty.

Mr. Yates asked Mr. Niles if her daughter was managing her Airbnb in 2021 and she said yes. He stated her daughter was on notice with the last case.

Mr. Shell stated the so was brought back up just to perform the financial transaction on a long-term rental.

DISPOSITION: Mr. Riggin continued the case to the February 27, 2024 hearing.

CASE 7 - RTI 01-24-02 - CBPR Inc is cited for failure to correct violations of LDC Art 4 Sec 4.1.A; Art 8 Sec 5.2.A.2. at 804 N Peninsula Dr. Violation(s) - Zoning violation - the property is zoned BR-1. Short term rentals, known as "Other Accommodations", are not a permitted use in the zoning district. (Case Number - 10202328).

DISPOSITION: Mr. Riggin continued the case to the February 27, 2024 hearing.

Mr. Riggin called a recess at 12:30 pm. The meeting resumed at 1:30 pm.

CASE # 16 - RTL 01-24-15 - Pink Sand Property Management LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **439 N Grandview 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 – 12/27/2023.

Orso Lacaruso, managing member, came forward and was sworn in.

Inspector Yates stated the case was field generated. He stated the property is zoned RP and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on December 27, 2023, and they were notified the same day. He stated the advertising stopped on January 4, 2024. He stated the site posts a daily rate of \$81, 3 reviews, rules are check-in 4 pm and check out by 12 am. He stated the violation is irreparable and irreversible and is asking for a one-time fine in the amount of \$1,000.

Ms. Lacaruso waived repetition of Mr. Jackson's irreparable and irreversible argument.

Mr. Riggio agreed to consider the irreparable and irreversible comments given in Case #3 in his decision.

Ms. Lacaruso stated that the state gave her a license and the City told her she cannot do it. She stated she understands she broke the law. She stated she is from Las Vegas and did not know she was breaking the law.

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 is a repeat violation. He imposed a one-time fine in the amount of \$1,000, 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 that the property is in Compliance as of December 27, 2023.

CASE # 15 - RTL 01-24-14 - John Andrew Singelsether & Ha Thu Singelsether Life Estate is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **328 Manhattan 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 – 12/6/2023.

Mr. John Singelsether and Ms. Ha Thu Singelsether came forward and were sworn in.

Inspector Yates stated the case was field generated. He stated the property is zoned SFR-5 and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on December 6, 2023, and they were notified the same day. He stated the advertising is still active today. He stated the site posts a daily rate of \$125, 2 reviews, rules are check-in 4 pm and check out by 11 am. He stated the violation is irreparable and irreversible and is asking for a one-time fine in the amount of \$15,000.

Ms. Singelsether stated she blocked future bookings.

Mr. Singelsether stated they thought they took that down.

Mr. Yates stated he does not see it, but it was still active.

CASE# 18 - RTL 01-24-14 - John Andrew Singelsether & His Wife (in Singelsether's Estate)
is cited for failure to correct violation of CC Art 4 Sec 4.1.A. Art 5 Sec 5.2.A.2. at 328
Marathon 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 - 12/6/2023

Mr. John Singelsether and Mrs. Tina Singelsether came forward and were sworn in.

Inspector Yates stated the case was filed pursuant to the complaint. He stated the property is zoned SFR-5
and short-term rentals, known as "Other Accommodations", are not permitted. He stated that first
observed the violation on December 6, 2023, and they were notified the same day. He stated
the advertising is still active today. He stated the site posts a daily rate of \$120.2 reviews, rates
are checked in and checked out. He stated the violation is inoperable and irreversible
and is asking for a one-time fine in the amount of \$15,000.

Mr. Singelsether stated they thought they took the correct

Mr. Yates stated he does not see it, but it was still active.

Ms. Singelsether stated she blocked future bookings.

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Ms. Singelsether stated she blocked future bookings.

Mr. Singelsether stated they thought they took the correct

Mr. Yates stated he does not see it, but it was still active.

Ms. Singelsether stated she blocked future bookings.

Mr. Singelsether stated his wife put it on snooze.

Mr. Yates stated he told them the listing needs to be completely removed.

Ms. Singelsether didn't delete the listing because someone for a booking may need their deposit back.

Mr. Riggio asked if they can book when it's on snooze.

Mr. Yates stated you must contact the host and book directly. He explained insta-book.

Ms. Lacaruso waived repetition of Mr. Jackson's irreparable and irreversible argument.

Ms. Singelsether stated she is not real good at the computer.

Mr. Jackson asked if they could get some help to get to Compliance.

Mr. Yates stated he would help them and walk them through the steps.

Mr. Riggio agreed to consider the irreparable and irreversible comments given in Case #3 in his decision.

Mr. Singelsether stated when they first were starting to think about renting, they contacted the Daytona Beach Tax office to find out what they are required to do, and they gave them a letter telling them they need to get a license from the state.

DISPOSITION: The Special Magistrate continued the case to the February 27, 2024 meeting.

CASE # 11 - RTL 01-24-09 - Adam McGaughey & Jennifer Spangler is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **275 Brookline 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 – 11/8/2023.

Mr. Adam McGaughey and Ms. Jennifer Spangler came forward and were sworn in.

Inspector Yates stated the case was field generated. He stated the property is zoned SFR-5 and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on November 8, 2023, and they were notified the same day. He stated the advertising stopped on November 17th. He stated the site posts a daily rate of \$125, 2 reviews, rules are check-in 4 pm and check out by 11 am. He stated the violation is irreparable and irreversible and is asking for a one-time fine in the amount of \$15,000.

Mr. McGaughey and Ms. Spangler waived repetition of Mr. Jackson's irreparable and irreversible argument.

Mr. Riggio agreed to consider the irreparable and irreversible comments given in Case #3 are incorporated in this matter.

Ms. Spangler stated they did advertise on VRBO and asked for the maximum of 180 days, and they could not make an instant booking but had to send a request. She stated the one guy they booked stayed for longer. She stated he was not a transient person or tourist that he was here

Mr. Singelseter stated his wife put it on the record.

Mr. Yates stated he told them the listing needs to be completely removed.

Ms. Singelseter stated that the listing needs someone for a booking may need to be removed back.

Mr. Riggle asked if the team book when it's on an order.

Mr. Yates stated you must contact the first and book directly. He explained that book.

Ms. Luciano waived objection of Mr. Jackson, regarding and irreversible argument.

Ms. Singelseter stated she is not a good at the computer.

Mr. Jackson asked if they could get some help to get to compliance.

Mr. Yates stated he would help them and walk them through the steps.

Mr. Riggle agreed to consider the irreversible and irreversible comments given in Case #3 in his decision.

Mr. Singelseter stated when they first were starting to think about renting, they contacted the Dayton Beach Tax office to find out what they are required to do and they gave them a letter telling them they need to get a license from the state.

DISPOSITION: The Special Magistrate continued the case to the February 27, 2024 meeting.

CASE # 14 - RTI 01-24-03 - Adam McGaughey & Jennifer Spangler is cited for failure to correct violation of LDC Art 4 Sec. 4.1.1.1.1 in 275 Brookline Ave. Violation(s) - zoning violation - the property is zoned SFR-2 (single-family residential), but is used as "Other Accommodations", not a permitted use in the zoning district. Notified - 1/18/2024.

Mr. Adam McGaughey and Ms. Jennifer Spangler came forward and were sworn in.

Inspector Yates stated the case was field generated. He stated the property is zoned SFR-2 and about form rental, known as "Other Accommodations" are not permitted. He stated he first observed the violation on November 8, 2023, and that he was notified the same day. He stated the advancing stopped on November 17, 2023, he stated the site posts a daily rate of \$125, 2 reviews, rules are checked in 4 pm and checked by 11 am. He stated the violation is irreversible and irreversible and is asking for a one-time fine in the amount of \$10,000.

Mr. McGaughey and Ms. Spangler waived objection of Mr. Jackson, regarding and irreversible argument.

Mr. Riggle agreed to consider the irreversible and irreversible comments given in Case #3 are incorporated in this matter.

Ms. Spangler stated they did advise on VRBO and asked for the maximum of 180 days, and they could not make an instant booking but had to send a request. She stated the one day they booked stayed for longer. She stated he was not a transient person or tourist that he was here.

working. She stated she lives in Nevada, and she interviewed two property management companies and they were iffy and she thought using VRBO to collect the rent was the same as using a reputable person. She stated she has taken it off.

Mr. McGaughey asked how they were supposed to have exposure to rent if they can't use this venue. He stated the neighborhood was not safe but had been cleaned up. He also stated they may have people visit and wanted to know if that was allowed.

There was considerable discussion on the City's rules for rental and what is needed to rent any property in Daytona Beach and the implications of advertising a long-term property on a short-term platform.

Inspector Yates pointed out the reviews state the person stayed 59 days and 43 days.

Ms. Spangler stated they have no prior violations and am asking for leniency.

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 is a repeat violation. He imposed a one-time fine in the amount of \$886 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 that the property is in Compliance as of December 27, 2023.

CASE # 12 - RTL 01-24-10 - Tortola Sultan Express Trust 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 – 11/15/2023.

Ms. Majdah Barnett appeared via Zoom and was sworn in. She stated she is a representative of the trust, and she lives in the home. She stated she is co-trustee.

Inspector Yates stated the case was field generated. He stated the property is zoned SFR-5 and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on November 15, 2023, and they were notified the same day. He stated the advertising stopped on November 17th. He stated the site posts a daily rate of \$55, 14 reviews, rules are check-in 4 pm and check out by 10 am. He stated this is the second case for this owner at this address, the first being RTL-09-23-56 in the amount of \$4,000. He stated the violation is irreparable and irreversible and is asking for a one-time fine in the amount of \$15,000. He stated the last case concluded in September and the reviews were from August.

Mr. Jackson repeated the City's argument that this violation is irreparable and irreversible in nature.

Ms. Barnett stated she has no knowledge of the Airbnb listing. She stated she gained control of the property in November. She stated she and her family live there and she has a daughter and doesn't want short-term rentals in her home. She stated Inspector Yates came to the property on November 14th and spoke to her brother-in-law. She stated she had no knowledge of a first violation. She stated this is the first time seeing the listing and asked who the owner of the Airbnb account was. She stated she has no knowledge of this company or who this is. She stated it must have been before she gained control of the property.

working. She stated she lives in the east and she interviewed two property management companies and they were trying to find a company to collect the rent was the same as using a reputable person. She stated she has taken it off.

Mr. McGonigley asked how they were supposed to have exposure to rent if they can't use this value. He stated the neighborhood was not safe but had been cleaned up. He stated they may have people visit and wanted to know if that was all right.

There was considerable discussion on the City's role for rental and what is needed to rent any property in Daytona Beach and the possibility of advertising a long-term property on a short-term platform.

Inspector Yates pointed out the reviews state the business stays 30 days and 30 days.

Ms. Spangler stated they have no other violations and are asking for leniency.

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. 4 Sec. 4.1.A. and that the violation was irreparable and irreversible in nature and a repeat violation. The imposed a one-time fine in the amount of \$800 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 that the property is in Compliance as of December 27, 2006.

CASE # 15 - RTL 01-24-10 - Tortois Sullivan Express just is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A. Art. 4 Sec. 4.1.A. at 131 Tarragona Way, Violation(s) - Zoning violation - the property is zoned SFR-2. Short term rentals, known as "Other Accommodations", are not a permitted use in the zoning district. Final Notice - 1/15/07.

Ms. Maljeh Barnett appeared via Zoom and was sworn in. She stated she is a representative of the bus and she lives in the home. She stated she is a trustee.

Inspector Yates stated the case was held general. He stated the property is zoned SFR-2 and short-term rentals, known as "Other Accommodations", are not permitted. He stated he observed the violation on November 17, 2006, and they were notified the same day. He stated the advertising stopped on November 17. He stated the site has a daily rate of \$50. He stated reviews were checked in 4 pm and reported by 10 am. He stated that is a common case for this owner at this address, the first being RTL-09-23-08 in the amount of \$4,000. He stated the violation is irreparable and irreversible and a continuing violation in the amount of \$12,000. He stated the last case concluded in September and the reviews were from August.

Mr. Jackson repeated the City's argument that this violation is irreparable and irreversible in nature.

Ms. Barnett stated she has no knowledge of the Airbnb listing. She stated she gained control of the property in November. She stated she and her family live there and she has a daughter and doesn't want short-term rentals in her home. She stated Inspector Yates came to the property on November 14 and spoke to her brother-in-law. She stated she had no knowledge of a first violation. She stated this is the first time seeing the listing and asked who the owner of the Airbnb account was. She stated she has no knowledge of this company or who this is. She stated it must have been before she gained control of the property.

Mr. Yates asked if she bought the property in November.

Ms. Barnett stated no, she gained, she moved in the property. She stated she doesn't have control over any Airbnb listings.

Mr. Riggio stated this is an action against the property and someone is advertising the property on Airbnb.

Ms. Barnett stated if she lives in the home and has no control over the Airbnb listing how can she be in Compliance.

Mr. Jackson acknowledged there is a quit claim deed from Mr. Raheel Taylor to the Trust on October 22, 2023, 2 1/2 weeks from when it was acknowledged and posted.

Mr. Riggio asked if someone else owned the property.

Mr. Jackson stated Mr. Taylor conveyed his interest to the trust and it was possible there was a posting prior to them moving in.

Mr. Riggio asked if the previous violations were against someone who used to own the property and we can remove the repeat violation?

Mr. Jackson stated yes.

Mr. Riggio stated the posting is on November 15 and someone took it off on November 17. He asked the inspector who he contacted.

Inspector Yates stated he did not get a contact; the listing was just taken down.

Mr. Riggio stated do you have any idea who put the ad on Airbnb. He asked if there was a phone number.

Mr. Yates stated you can put any name that you want to display and there is no phone number.

Mr. Riggio stated the end user can go around and make a deal with the owner.

Ms. Barnett asked if the listing is still active because she wants to reach out to Airbnb, and she doesn't want to be responsible for something she doesn't have control over.

Mr. Riggio stated after Inspector Yates posted the property, the advertisement was taken down. He asked the Respondent when she occupied the property.

Ms. Barnett stated November 1st.

Mr. Jackson asked the Respondent if there were any other adults occupying the property.

Ms. Barnett stated her brother-in-law and her husband, but they don't use Airbnb.

Mr. Riggio asked if Mr. Taylor lives in the area.

Ms. Barnett stated she didn't know. She stated she didn't know Mr. Taylor. She asked if the only evidence are screen shots off of a website?

Mr. Yates asked if she bought the property in November.

Ms. Barnett stated no, she gained, she moved in the property. She stated she doesn't have control over any Airbnb listings.

Mr. Riggio stated this is an action against the property and someone is devaluing the property on Airbnb.

Ms. Barnett stated if she lives in the home and has no control over the Airbnb listing how can she be in Compliance.

Mr. Jackson acknowledged there is a lawsuit filed by Mr. Rabeel Taylor to the Trust on October 23, 2023, 2 1/2 weeks from when it was acknowledged and posted.

Mr. Riggio asked if someone else owned the property.

Mr. Jackson stated Mr. Taylor conveyed his interest to the trust and it was possible there was a posting prior to them moving in.

Mr. Riggio asked if the previous violations were against someone who used to own the property and we can remove the rental violation?

Mr. Jackson stated yes.

Mr. Riggio stated the posting is on November 15 and someone took it off on November 17. He asked the inspector who he contacted.

Inspector Yates stated he did not get in contact, the listing was just taken down.

Mr. Riggio stated do you have any idea who put the ad on Airbnb. He asked if there was a phone number.

Mr. Yates stated you can put any name that you want to display and there is no phone number.

Mr. Riggio stated the end user can go around and make a deal with the owner.

Ms. Barnett asked if the listing is still active because she wants to reach out to Airbnb, and she doesn't want to be responsible for something she doesn't have control over.

Mr. Riggio stated after Inspector Yates posted the property the advertisement was taken down. He asked the Respondent when she occupied the property.

Ms. Barnett stated November 1st.

Mr. Jackson asked the Respondent if there were any other adults occupying the property.

Ms. Barnett stated her brother-in-law and her husband, but they don't use Airbnb.

Mr. Riggio asked if Mr. Taylor lives in the area.

Ms. Barnett stated she didn't know. She stated she didn't know Mr. Taylor. She asked if there only evidence are screen shots off of a website?

Mr. Riggio asked if this was a new website ad.

Inspector Yates stated it was a different ad for a different room in the same house. He stated after reviewing the old case, the naming title on the Casa del Taylor is strikingly similar to what the owner before them used. He stated it could possibly be the former owner who left it open and asked to dismiss the case.

DISPOSITION: Mr. Riggio ordered that the case be dismissed.

CASE # 13 - RTL 01-24-11 - Karen C Gerner is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **830 S Grandview 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 – 11/29/2023.

Christine Gerner came forward and was sworn in.

Inspector Yates stated the case was field generated. He stated the property is zoned SFR-5 and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on November 29, 2023, and they were notified the same day. He stated the advertising stopped on December 8th. He stated the site shows a daily rate of \$45, 1 review, rules are quiet time from 10 pm to 8 am. He stated the violation is irreparable and irreversible and is asking for a one-time fine in the amount of \$1,000.

Ms. Gerner waived repetition of Mr. Jackson's irreparable and irreversible argument.

Mr. Riggio agreed to consider the irreparable and irreversible comments given in Case #3 in his decision.

Ms. Gerner apologized and accepted the fine.

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 is a repeat violation. He imposed a one-time fine in the amount of \$1000 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 that the property is in Compliance as of December 8th, 2023.

CASE # 14 - RTL 01-24-13 - Angelica Marie Ham is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **212 Goodall 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 – 11/30/2023.

Ms. Angelica Ham came forward and was sworn in.

Inspector Yates stated the case was field generated. He stated the property is zoned SFR-5 and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on November 30th, 2023, and they were notified the same day. He stated the advertising stopped on December 1st. He stated the site shows a daily rate of \$168, 19 reviews, rules are check in by 2 pm and checkout by 10 am. He stated the violation is irreparable and irreversible and is asking for a one-time fine in the amount of \$1,000.

Ms. Ham waived repetition of Mr. Jackson's irreparable and irreversible argument.

Mr. Riggio agreed to consider the irreparable and irreversible comments given in Case #3 in his decision.

Ms. Ham stated she did not know that 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 and is a repeat violation. He imposed a one-time fine in the amount of \$1000 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 that the property is in Compliance as of December 1st, 2023.

CASE # 19 - RTL 01-24-19 - Samantha Mae Minton is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **120 Maplewood 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 – 10/26/2023.

Ms. Samantha Minton came forward and was sworn in.

Inspector Yates stated the case was field generated. He stated the property is zoned SFR-5 and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on October 26th, 2023, and they were notified the same day. He stated as of January 17, 2024, they were no longer advertising. He stated the site shows a daily rate of \$43, 16 reviews, rules are check in by 3 pm and check out by 11 am. He stated the violation is irreparable and irreversible and is asking for a one-time fine in the amount of \$5,000.

Ms. Minton waived repetition of Mr. Jackson's irreparable and irreversible argument.

Mr. Riggio agreed to consider the irreparable and irreversible comments given in Case #3 into this proceeding.

Ms. Minton stated she was not aware the request was moved up to \$5000 and would like to get it down to \$1000. She stated her records show the bookings were cancelled and blocked every day after October 26th. She thought that would remove the listing until last week when she got an email from the inspector. She stated she had no malicious intent. She stated she can pull up bank statements.

Mr. Riggio asked if there is evidence that the property has been rented since October 26th.

Inspector Yates stated no and that her calendar is off.

Ms. Minton stated she went online to make sure the site was down and showed up only when you type in her address. She stated no one could apply for anything and it was difficult to deactivate and make sure everyone was taken care of. She stated it was a misunderstanding as to what was required to take it down.

Mr. Yates stated that it's a big deal for owners to lose their reviews so people can put the site back up just for a few hours and then take it down and he would not know.

Mr. Ham waived objection of Mr. Jackson's inquiry into the reversible equipment.

Mr. Riggie agreed to consider the reversible and irreversible comments given in Case #3 in his decision.

Ms. Ham stated she did not know that 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. 2 Sec. 2.2.2.1 and that the violation was imposed on a reversible nature and is a repeat violation. He imposed a one-time fine in the amount of \$1000 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 that the property is in Compliance as of December 1st, 2023.

CASE # 19 - RTI 01-24-19 - Samantha Mae Minton is cited for failure to contact violations of LDC Art. 2, A, Art. 2, Sec. 2.2.2.1, at 130 Maplewood Dr. Violations - "Long-term rentals" are not permitted use in the zoning district. The property is zoned SFR-2. Short-term rentals known as "Other Accommodations" are not permitted use in the zoning district. The amount of \$1000.

Ms. Samantha Minton came forward and was sworn in.

Inspector Yates stated the case was first generated. He stated the property is zoned SFR-2 and short-term rentals, known as "Other Accommodations" are not permitted. He stated that first observed the violation on October 20th, 2023, and they were notified the same day. He stated as of January 17, 2024, they were no longer advertising. He stated that she also has a balance of \$48.16 review fees and check in by 5 pm and check out by 11 am. He stated the violation is reversible and he is asking for a one-time fine in the amount of \$1000.

Ms. Minton waived objection of Mr. Jackson's inquiry into the reversible equipment.

Mr. Riggie agreed to consider the reversible and irreversible comments given in Case #3 in his proceeding.

Ms. Minton stated she was not aware the review was for up to \$1000 and would like to get it down to \$100. She stated her records show the bookings were cancelled and booked every day after October 20th. She thought that would remove the listing until next week when she got an email from the inspector. She stated she had no previous intent. She stated she had not up any statements.

Mr. Riggie asked if there is evidence that the property has been rented since October 28th.

Inspector Yates stated no and that her commands off.

Ms. Minton stated she went online to make sure the site was down and showed up only when you type in her address. She stated no one could apply for anything and it was difficult to deactivate and make sure everyone was taken care of. She stated it was a misunderstanding as to what was required to take it down.

Mr. Yates stated that it is a big deal for owners to lose their reviews so people can put the site back up just for a few hours and then come down and he would not know.

Mr. Jackson stated he changed his irreparable irreversible argument to make sure the site is taken down because it can be used later today.

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 is a repeat violation. He imposed a one-time fine in the amount of \$2000 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 January 17th, 2024.

CASE # 10 - RTL 01-24-08 - TR Property Group LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **126 W Gardiner Ct.** Violation(s) – Zoning violation - the property is zoned RDD-6. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 11/9/2023.

Respondent was not present.

Inspector Yates stated the case was field generated. He stated the property is zoned RDD-6 and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on November 9th, 2023, and they were notified the same day. He stated the advertising is still active. He stated the site shows a daily rate of \$82, rules are check in by 3 pm and check out by 10 am. He stated the violation is irreparable and irreversible and is asking for a one-time fine in the amount of \$15,000.

Mr. Riggio noted the respondent is not here to agree to waive the City's irreparable and irreversible argument.

Mr. Jackson gave the City's argument as to why this case should be found to be irreparable and irreversible in nature.

Mr. Riggio asked the Board Secretary if the owners were serviced.

Ms. Barnes stated according to the United States Postal Service the Notice of Hearing and Notice of Violation were delivered on January 6th to the registered agent and January 8th to the owner of the property.

Inspector Yates stated as of 45 minutes ago the listing was still up.

Mr. Jackson pointed out that every day is a violation, and the owner will be notified of the fine.

Mr. Riggio stated the owners have had notice of the violation for 2 weeks.

DISPOSITION: After hearing the City's presentation, 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 is a repeat violation. He imposed a one-time fine in the amount of \$15,000 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 # 17 - RTL 01-24-16 - PGSR Holdings LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **130 Springwood Dr.** Violation(s) – Zoning violation -

Mr. Jackson stated he disagreed with the ordinance and would like to make sure the ordinance is taken down because it can be used later.

DISPOSITION: After hearing the ordinance, 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 repeatable and is a repeat violation. He imposed a one-time fine in the amount of \$5000 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 that the property is not in Compliance as of January 17, 2024.

CASE #10 - RTI 01-24-08 - The Property Group LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and 156 W. Gardner Dr. Violation(s) -- Zoning violation - the property is zoned RDU-6. Short-term rentals, known as "Other Accommodations" are not permitted use in the zoning district. First noticed - 1/18/2023.

Respondent was not present.

Inspector Yates stated the case was field generated. He stated the property is zoned RDU-6 and short-term rentals, known as "Other Accommodations" are not permitted. He stated that he observed the violation on November 9, 2023, and they were notified the same day. He stated the advertising is still active. He stated the sign allows a daily rate of \$85, unless checked by 3 pm and check out by 10 am. He stated the violation is repeatable and is repeatable and is asking for a one-time fine in the amount of \$15,000.

Mr. Riggle noted the respondent is not here to argue to waive the City's inapplicable and inapplicable argument.

Mr. Jackson gave the City's arguments as to why this case should be found to be inapplicable and inapplicable in nature.

Mr. Riggle asked the Board Secretary if the owners were served.

Mr. Barnes stated according to the United States Postal Service that Notice of Violation were delivered on January 9th to the registered mail and January 9th to the owner of the property.

Inspector Yates stated as of 45 minutes ago the hearing was still up.

Mr. Jackson pointed out that every day is a day and the owner will be notified of the fine.

Mr. Riggle stated the owners have had notice of the violation for 2 weeks.

DISPOSITION: After hearing the City's presentation, 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 repeatable and is a repeat violation. He imposed a one-time fine in the amount of \$10,000 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 that the property is not in Compliance.

CASE #17 - RTI 01-24-08 - PCSI Holdings LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, of 156 W. Gardner 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 – 12/29/2023.

Respondent was not present.

Inspector Yates stated the case was field generated. He stated the property is zoned SFR-5 and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on December 28th, 2023, and they were notified the same day. He stated as of January 2nd, 2024 they were no longer advertising. He stated the site shows a daily rate of \$168, 2 reviews, rules are check in by 4 pm and check out by 10 am. He stated the violation is irreparable and irreversible in nature and is asking for a one-time fine in the amount of \$1,000.

Mr. Jackson gave the City's argument as to why this case should be found to be irreparable and irreversible in nature.

Mr. Riggio asked the Board Secretary if the owners were serviced.

Ms. Barnes stated according to the United States Postal Service the Notice of Hearing and Notice of Violation was delivered to Michael Cantor and the Registered Agent and owner are at the same address.

DISPOSITION: After hearing the City's presentation, 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 is a repeat violation. He imposed a one-time fine in the amount of \$1,000 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 January 2nd, 2024.

CASE # 18 - RTL 01-24-18 - Erica Liska is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **314 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 – 9/15/2023.

Respondent was not present.

Inspector Yates stated the case was field generated. He stated the property is zoned SFR-5 and short-term rentals, known as "Other Accommodations" are not permitted. He stated he first observed the violation on September 15th, 2023, and they were notified the same day. He stated as of September 19th, 2023 they were no longer advertising. He stated the site shows a daily rate of \$120, 15 reviews, rules are check in by 4 pm to 2 am and check out by 10 am. He stated the violation is irreparable and irreversible and is asking for a one-time fine in the amount of \$1,000.

Mr. Jackson gave the City's argument as to why this case should be found to be irreparable and irreversible in nature.

Mr. Riggio asked the Board Secretary if the owners were serviced.

Ms. Barnes stated according to the United States Postal Service the Notice of Hearing and Notice of Violation was delivered on January 8th.

the property is zoned SFR-5. Short term rentals, known as "Other accommodations," are not permitted in the zoning district. First Noticed - 01/20/24

Respondent was not present.

Inspector Yates stated the case was field generated. He stated the property is zoned SFR-5 and short-term rentals, known as "Other accommodations" are not permitted. He stated he first observed the violation on December 19th, 2023 and they were not on the same day. He stated as of January 20th, 2024 they were no longer advertising. He stated the site shows a daily rate of \$108.2 reviews, rules are checked in by 10 am and check out by 10 am. He stated the violation is irreparable and inevitable. He stated he is asking for a one-time fine in the amount of \$1,000.

Mr. Jackson gave the City's argument as to why this case should be found to be irreparable and inevitable in nature.

Mr. Riggio asked the Board Secretary if the owners were advised.

Mr. Barnes stated according to the United States Postal Service the Notice of Hearing and Notice of Violation was delivered to Michael Carter and the Registered Agent and owner at the same address.

DISPOSITION: After hearing the City's presentation, 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 inevitable in nature and is a repeat violation. He imposed a one-time fine in the amount of \$1,000 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 January 20th, 2024.

CASE # 18 - RTI 01-24-18 - Enzo Laks is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A, Art. 5 Sec. 5.2.A.2 at 314 Williams Ave. Violation(s) - " zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other accommodations," are not permitted use in the zoning district. First Noticed - 01/20/24

Respondent was not present.

Inspector Yates stated the case was field generated. He stated the property is zoned SFR-5 and short-term rentals, known as "Other accommodations" are not permitted. He stated he first observed the violation on September 17th, 2023 and they were not on the same day. He stated as of September 19th, 2023 they were no longer advertising. He stated the site shows a daily rate of \$150.15 reviews, rules are checked in by 10 am and check out by 10 am. He stated the violation is irreparable and inevitable and is asking for a one-time fine in the amount of \$1,000.

Mr. Jackson gave the City's argument as to why this case should be found to be irreparable and inevitable in nature.

Mr. Riggio asked the Board Secretary if the owners were advised.

Mr. Barnes stated according to the United States Postal Service the Notice of Hearing and Notice of Violation was delivered on January 20th.

DISPOSITION: After hearing the City's presentation, 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 is a repeat violation. He imposed a one-time fine in the amount of \$1,000 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 19th, 2023.

There was no miscellaneous Business.

The meeting was adjourned at 3:40 pm