
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

August 27, 2024 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Deputy City Attorney
Mr. Denzil Sykes, Code Compliance Manager
Sgt. Timothy Blowers, Daytona Beach Police
Mr. Kevin Yates, 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 9:05 a.m.

Mr. Riggio asked for announcements. The Board Secretary stated the inspector requests to move up case number 9 since the Respondent needs to catch a train.

Mr. Riggio approved the minutes of the July 23, 2024 meeting.

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

Mr. Riggio announced the procedure for the meeting and called the first case.

LR-1 - RTL 05-24-39 - 1508 Virginia Ave #206 (Parcel ID: 5340150A2060) - Sarwat Khan is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at). Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/14/2024. Order Imposing Fine/Lien in the amount of One Hundred (\$100.00) dollars per day to a maximum of Fifteen Thousand (\$15,000.00) dollars effective June 25, 2024. Compliance = July 30, 2024. Amount due of \$3,500.00 plus \$24.00 recording fees = \$3,524.00.

Respondent was not present.

Inspector Karl Wexelberg came forward and stated that he and Code administrative staff met with Mr. Khan and agreed to a stipulation to reduce the fine to \$2,000. He stated Mr. Kahn had sent an email agreeing to the same but was out of town and with the time difference was not able to appear via Zoom.

Mr. Riggio stated he has received a copy of the email.

DISPOSITION: *The Special Magistrate reduced the amount of the lien to \$2,000 payable within 30 days or the fine reverts back to the original amount of \$3,524.00.*

CONTINUED CASES:

CASE # 1 - RTL 07-24-61 - Florida LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **350 Maple St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/17/2024.

Respondent was not present.

Inspector Wexelberg stated that the property owner was in the eviction process and is asking to amend to the next cutoff.

DISPOSITION: *The Special Magistrate amended the current Order of Non-Compliance and ordered the Respondent to bring the property into Compliance by September 18, 2024, or be returned to a subsequent meeting on September 24, 2024, for consideration of a fine up to \$1,000 per day.*

NEW CASES: IRREPARABLE/IRREVERSIBLE

CASE # 9 - RTL 08-24-80 - Quyen Dihn Chu & Trina Trinhthi Chu is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **518 Hillside Ave.** Violation(s) – **Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.** First Notified – 7/31/2024.

Ms. Trina Trinhthi Chu appeared via Zoom and was sworn in.

Inspector Yates stated the case was field generated and the property is zoned SFR-5. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning district. He stated he first observed the violation on July 31, 2024 and notified them the same day. He stated the advertising stopped on August 13th, 2024. He stated the website shows a daily rate of \$98, and rules stated check out at 4 pm. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Mr. Jackson gave his argument as to why the City is requesting to find the nature of these violations to be irreparable and irreversible.

Ms. Chu stated she would appreciate the Magistrate lowering the fine and that she agrees they have received beneficial gain. She stated she purchased the property in May and can't be here often so looked for a roommate. She asked that the fine be reduced since she didn't know. She stated she called and asked if she could do short-term rental, and that state law allowed her to rent under 6 months as many times as she wants to.

Inspector Yates showed the records where the Respondent contacted the Business Tax office but asked about roommates, not short-term renting.

Ms. Chu stated she is not going to rent again.

DISPOSITION: *After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed and that the property is in Compliance as of August 13, 2024, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.*

CASE # 2 - RTL 08-24-75 - Jeneve Jaja-Batton is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1200 Imperial Dr.** Violation(s) – **Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.** First Notified – 8/1/2024.

Respondent was not present.

Inspector Yates stated the case was field generated and the property is zoned SFR-5. Short-term rentals, known as “Other Accommodations”, are not a permitted use in this zoning district. He stated he first observed the violation on August 1, 2024 and notified them the same day. He stated the advertising stopped on August 2, 2024. He stated the website shows a daily rate of \$73, 13 reviews, check in at 3:00 pm and check out by 11:00 am. He stated this is the 3rd violation with the first being RTL-05-22-114 on May 24, 2024 and the second RTL-07-22-148 on July 26, 2022. He stated the violation is irreparable and irreversible and is requesting a fine in the amount of \$15,000.

Mr. Jackson again presented the City’s argument as to why the violation should be found irreparable and irreversible in nature.

The Special Magistrate stated he would incorporate Mr. Jackson’s argument into this matter.

DISPOSITION: *After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He stated this is a repeat violation from cases RTL-05-22-114 and RTL-07-22-148. He ordered that a one-time fine in the amount of \$15,000, payable within 30 days, be imposed and that the property is in Compliance as of August 2, 2024, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.*

CASE # 3 - RTL 08-24-73 - Christina Woodcox is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **115 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 – 6/13/2024.

Ms. Barnes explained that she had incorrectly spelled Ms. Woodcox’s last name on the paperwork.

Ms. Christina Woodcox came forward and was sworn in.

Inspector Yates stated the case was field generated and the property is zoned SFR-5. Short-term rentals, known as “Other Accommodations” are not a permitted use in this zoning district. He stated he first observed the violation on June 13, 2024 and notified them the same day. He stated the advertising stopped on June 13, 2024. He stated the website shows a daily rate of \$104, 1 review, check in at 3:00 pm and check out by 11:00 am. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Ms. Woodcox waived repetition of Mr. Jackson’s irreparable irreversible argument.

Mr. Riggio stated Mr. Jackson’s presentation on irreparable and irreversible, and the City’s argument relating to that, are hereby incorporated into this matter.

Ms. Woodcox stated she was trying to offset her expenses and payments and that everything has gone up. She stated she separated from her fiancé and didn’t think someone coming to stay would be a problem.

DISPOSITION: After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed and that the property is in Compliance as of June 13, 2024, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 4 - RTL 08-24-74 - Yvonne Rosa is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **104 Fairfax 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 – 7/17/2024.

Ms. Yvonne Rosa came forward and was sworn in.

Inspector Yates stated the case was field generated and the property is zoned SFR-5. Short-term rentals, known as “Other Accommodations” are not a permitted use in this zoning district. He stated he first observed the violation on July 17, 2024 and notified them the same day. He stated the advertising stopped on July 18, 2024. He stated the website shows a daily rate of \$108, check in at 11:00 am and check out by 4:00 pm. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Ms. Rosa waived repetition of Mr. Jackson’s irreparable and irreversible argument.

Mr. Riggio stated Mr. Jackson’s presentation on irreparable and irreversible, and the City’s argument relating to that, are hereby incorporated into this matter.

Ms. Rosa stated when she purchased the house there was nothing in the paperwork about short-term renting and it was a misunderstanding. She stated she cancelled her lease in Orlando and now lives there.

DISPOSITION: After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the

amount of \$1,000, payable within 30 days, be imposed and that the property is in Compliance as of July 18, 2024, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 5 - RTL 08-24-76 - John Scott & Anda Lucia Ariail is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **368 Hartford Ave.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 7/24/2024.

Mr. John Scott appeared via Zoom and was sworn in.

Inspector Yates stated the case was field generated and the property is zoned SFR-5. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning district. He stated he first observed the violation on July 24, 2024 and notified them the same day. He stated the advertising stopped on August 2, 2024. He stated the website shows a daily rate of \$195, 1 review, check out by 3:00 pm. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Mr. Scott waived repetition of Mr. Jackson's irreparable and irreversible argument given in Case #2.

Mr. Riggio stated Mr. Jackson's presentation on irreparable and irreversible, and the City's argument relating to that, are hereby incorporated into this matter.

Mr. Scott asked that the fine be waived.

Mr. Jackson stated that the City would prefer that the penalty be consistent with other fines ordered for this violation.

DISPOSITION: *After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed and that the property is in Compliance as of August 2, 2024, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.*

CASE # 6 - RTL 08-24-77 - Fariba Reiss Fakhrabad & Hamid Reza Irajizadeh is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **343 Congress 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 – 7/24/2024.

Ms. Fariba Reiss Fakhrabad and Ms. Hamid Reza Irajizadeh came forward and were sworn in.

Inspector Yates stated the case was field generated and the property is zoned RP. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning district. He stated he first observed the violation on July 24, 2024 and notified them the same day. He stated the advertising stopped on July 26, 2024. He stated the website shows a daily rate of \$167, 5 reviews, check in at 11:00 am and check out by 4:00 pm. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Ms. Fakhrabad waived repetition of Mr. Jackson's irreparable and irreversible argument stated in Case #2.

Mr. Riggio stated Mr. Jackson's argument will be incorporated into the proceeding.

Ms. Fakhrabad stated they did not know and were not told by the Realtor or HOA, but they understand now and take responsibility.

DISPOSITION: *After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed and that the property is in Compliance as of July 26, 2024, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.*

CASE # 7 - RTL 08-24-78 - Marco A Cruz is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **30 S Grandview Ave.** Violation(s) – Zoning violation - the property is zoned RDB-6. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 7/26/2024.

Mr. Marco Cruz came forward and was sworn in.

Inspector Yates stated the case was field generated and the property is zoned RDB-6. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning district. He stated he first observed the violation on July 26, 2024 and notified them the same day. He stated the advertising stopped on August 16th, 2024. He stated the website shows a daily rate of \$72, 23 reviews, maximum of 3 guests. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Ms. Rosa waived repetition of Mr. Jackson's irreparable and irreversible argument stated in Case #2.

Mr. Riggio stated Mr. Jackson's presentation on irreparable and irreversible, and the City's argument relating to that, are hereby incorporated into this matter.

Ms. Rosa stated when she purchased the house there was nothing in the paperwork about short-term renting and it was a misunderstanding. She stated she cancelled her lease in Orlando and now lives there.

DISPOSITION: *After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed and that the property is in Compliance as of July 18, 2024, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.*

CASE # 8 - RTL 08-24-79 - Noe Gabriel Trigueros Fuentes Sr & Jennifer Cecibel Trigueros is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **632 Hudson St.** Violation(s) – **Zoning violation - the property is zoned MFR-12. Short-term**

rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 8/1/2024.

Mr. Noe Gabriel Tigueros Fuentes Sr & Ms. Jennifer Cecibel Tigueros appeared via Zoom and were sworn in.

Inspector Yates stated the case was field generated and the property is zoned MFR-12. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning district. He stated he first observed the violation on August 1, 2024 and notified them the same day. He stated the advertising stopped on August 2nd, 2024. He stated the website shows a daily rate of \$179, 6 reviews, check in at 11:00 am and check out at 4 pm. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Ms. Tigueros waived repetition of Mr. Jackson's irreparable and irreversible argument stated in Case #2.

Mr. Riggio stated Mr. Jackson's presentation on irreparable and irreversible, and the City's argument relating to that, are hereby incorporated into this matter.

Mr. Noe stated they did not know and that they live out of state. He stated they stopped as soon as they received notice.

DISPOSITION: After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed and that the property is in Compliance as of August 2, 2024, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 10 - RTL 08-24-81 - Shahinaz Elhennawi is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **313 N Caroline St.** Violation(s) – **Zoning violation - the property is zoned RDM-6. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.** First Notified – 8/6/2024.

Mr. Shahinaz Elhennawi appeared via Zoom and was sworn in.

Inspector Yates stated the case was field generated and the property is zoned RDM-6. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning district. He stated he first observed the violation on August 1, 2024 and notified them the same day. He stated the advertising stopped on August 6th, 2024. He stated the website shows a daily rate of \$64, 1 review, check in at 11:00 am and check out at 4 pm. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Ms. Elhennawi waived repetition of Mr. Jackson's irreparable and irreversible argument stated in Case #2.

Mr. Riggio stated Mr. Jackson's presentation on irreparable and irreversible, and the City's argument relating to that, are hereby incorporated into this matter.

Ms Elhennawi stated she didn't know and that she was trying to pay the bills.

DISPOSITION: After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed and that the property is in Compliance as of August 9, 2024, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

Mr. Riggio called a recess at 10:38 am. The meeting resumed at 10:45 am.

CASE # 11 - RTL 07-24-68 - Daniel & Brooke Franco is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **358 Golf Blvd.** Violation(s) – **Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.** First Notified – 6/14/2024.

Ms. Brooke Franco came forward and was sworn in.

Inspector Yates stated the case was field generated and the property is zoned SFR-5. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning district. He stated he first observed the violation on June 14th, 2024 and notified them the same day. He stated the advertising stopped on June 18th, 2024. He stated the website shows a daily rate of \$116, 3 reviews, check in at 11:00 am and check out at 3 pm. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Mr. Jackson asked for clarification as to why the case was continued from the last hearing. Inspector Yates stated that although the property is not able to be rented online, the ad was still up and being shown. He stated they rectified that and that's why they have come back.

Mr. Jackson stated as a result we have made a lesser recommendation.

Inspector Yates stated yes.

Ms. Franco waived repetition of Mr. Jackson's irreparable and irreversible argument stated in Case #2.

Mr. Riggio stated Mr. Jackson's presentation on irreparable and irreversible, and the City's argument relating to that, are hereby incorporated into this matter.

Ms Franco stated she had a problem with the irreversible and irreparable part, and she tried to do it right but was not aware of the rules. She stated she has other properties.

DISPOSITION: After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed and that the property is in Compliance as of June 18, 2024, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 12 - RTL 07-24-67 - Jozef Krawiec & Lynn Pepe-Krawiec is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **707 N Grandview Ave.** Violation(s) – **Zoning violation - the property is zoned MFR-12. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.** First Notified – 6/19/2024.

ACTION TO BE TAKEN: Continued from the July 23, 2024 meeting for consideration of the imposition of a fine. **IRREPARABLE/IRREVERSIBLE - REPEAT VIOLATION**

Mr. Barry Hughes, Esq came forward. Mr. Jozef Krawiec appeared via Zoom and was sworn in.

Inspector Yates stated the case was field generated and the property is zoned MFR-12. Short-term rentals, known as “Other Accommodations” are not a permitted use in this zoning district. He stated he first observed the violation on June 19th, 2024 and notified them the same day. He stated the advertising stopped on June 20th, 2024. He stated the website shows a daily rate of \$375, 13 reviews, check in at 10:00 am and check out at 4 pm. He stated the violation is irreparable and irreversible in nature. He stated this is not the first case for this owner citing RTL-09-22-176 on October 24, 2022. He stated the violation is irreparable and irreversible and since this is the second violation is requesting a fine in the amount of \$15,000.00

Mr. Jackson asked the Respondents if they need him to present his argument already given earlier.

Mr. Hughes stated the need to cite the Case # however Mr. Riggio mentioned them so he will waive repetition of Mr. Jackson’s irreparable and irreversible argument. He stated he moves to strike them. He stated Mr. Jackson is not a fact witness.

Mr. Riggio stated the Respondent has waived the need for Mr. Jackson to state his arguments for irreparable and irreversible again and has agreed those presented in Case 2 are incorporated into this proceeding.

There was discussion relating to the irreparable and irreversible argument and whether it speaks to the nature of the violation or should go to the evidence.

There was discussion as to the definition of irreparable and irreversible and whether this violation should be considered irreparable and irreversible. There was discussion between the difference in the violation and the impact of the violation.

Mr. Jackson stated the City already has a code that says you can’t have other accommodations in some zoning areas.

Mr. Hughes asked where short-term rentals are defined in the Code.

Mr. Jackson stated Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2. There was more discussion regarding it being spelled out in the Code and that the Council needs to enact legislation explaining what the short-term rental is. There was discussion whether the use already exists in the current code.

Mr. Riggio stated that there is a table and if it is not in the table as a use, it is not allowed.

Inspector Yates provided on the overhead the “other accommodation” table.

Mr. Hughes asked Mr. Yates questions regarding posting the property and when the listing was removed.

Inspector Yates stated they stopped advertising the next day but they were a repeat violator which is why the fine is high and there is no notification time given on a repeat violation. He stated he has never spoken to the property owner. He stated the same account used last time was reopened this time.

There was further discussion and questioning as to how the account was put back up and whether the inspector has any information as to who could have done it. There was additional questioning as to whether the inspector had consulted with Mr. Jackson.

Mr. Hughes questioned Inspector Yates on his credentials and knowledge of the definition of irreparable and irreversible.

Mr. Riggio stated the advertising itself was the violation.

There was additional discussion as to why the violations is not repairable and reversible. There was also discussion regarding findings of the appeals.

There was discussion regarding the 2022 case and Mr. Krawiec not being able to get in. He stated it was placed back up by his daughter who has access.

There was further discussion regarding public lodging and transient lodging.

Mr. Hughes stated that he owns a piece of property and he should not be punished for the actions of someone else and the Notice did not state that this was a repeat violation.

Mr. Riggio stated that we are here since Mr. Hughes did not have an opportunity to be a part of the October hearing and he understands Mr. Krawiec’s abilities regarding technology and this is the first time he is hearing the Respondent’s side. He stated the first violation originated with Mr. Krawiec and he was responsible for it but since he had no knowledge of this violation he cannot consider that it is a repeat violation and a violation against him. He stated the Mr. Krawiec needs to make sure that the posting stays under his control.

Mr. Krawiec stated it had been totally eliminated.

There was discussion regarding his daughter creating the initial listing. Mr. Krawiec stated his daughter created the original listing and he was not aware.

DISPOSITION: After hearing the arguments, the Special Mr. Riggio stated the owner is ultimately responsible for the violations but under the circumstances described he ordered the case be dismissed.

Mr. Riggio asked for Miscellaneous Business.

Ms. Barnes stated there will not be hearings in November and December due to the Holidays.

The meeting was adjourned at 12:14 pm.