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# City of Daytona Beach Special Magistrate

City Commission Chambers, 301 S Ridgewood Ave, Daytona Beach, FL 32114

Robert J. Riggio, Special Magistrate

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## May 27, 2025 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Ms. Melissa Diaz, Assistant City Attorney  
Sgt. Shawna Conley, Daytona Beach Police  
Mr. Denzil Sykes, Code Compliance Manager  
Mr. Kevin Yates, Rental Inspector  
Ms. June Barnes, Rental Program Coordinator  
Ms. Lena Rankin, 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 9:03 a.m.

Mr. Riggio announced the procedure for the meeting.

Mr. Riggio stated Case # 7 RTL 04-25-21 will be heard first since they have an Attorney.

Mr. Riggio asked for announcements and there were none.

Mr. Riggio approved the minutes of the April 22, 2025 meeting.

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

Mr. Riggio called Case #7.

**CASE # 7 - RTL 04-25-21 - Deana Nicosia & Silvana Nicosia** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **509 Eastwood Ln.** 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 – 3/19/2025.

Ms. Silvana Nicosia, appeared via zoom and was sworn in.

Ms. J.L., paralegal for Attorney, also appeared via zoom.

Ms. J.L. stated that she was present due to the attorney having to appear in court for another case. The attorney didn't have enough notice to appear at the Magistrate Meeting.

Ms. Melissa Diaz, Assistant City Attorney, explained that the case was continued to today's meeting a month ago. The City provided plenty of notice.

Inspector Kevin 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 March 19, 2025, and notified them the same day. He stated the advertising stopped on March 21, 2025. He stated the website shows a daily rate of \$330, 1 review and rules state check in is 2 pm and check out is 10 am. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Ms. Diaz gave her argument as to why the City is requesting to find the nature of these violations to be irreparable and irreversible.

Ms. Nicosia stated that they were unaware of special zoning for short-term leasing and once they were notified, they took the posting down immediately.

***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 March 21, 2025, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

**CASE # 1 - RTL 05-25-26 - Svetlana Panpouchkina, Ksenia Victoria Sanikovich and Katerina Panpushkina** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **210 Bonner 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 – 4/15/2025.

Svetlana Panpouchkina, owner, and Stephen Walton, Friend and interpreter, stepped 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 April 15, 2025, and notified them the same day. He stated the advertising stopped on April 25, 2025. He stated the website shows a daily rate of \$154, 67 reviews and rules state check in is 3 pm and check out is 11 am. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Ms. Panpouchkina waived repetition of Ms. Diaz's argument as to why the City is requesting a finding that the nature of these violations are irreparable and irreversible.

Ms. Diaz asked that her argument be incorporated into the record of this proceeding.

Ms. Panpouchkina stated that they were not aware of the zoning. They were supplementing income with the rentals. They have since sold the home.

Ms. Diaz stated as a policy the city needs to stay consistent. The city appreciates that you responded quickly.

**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 April 25, 2025, 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 05-25-27 - Maria Martinez** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **524 Ribault 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 – 4/16/2025.

Ms. Maria Martinez, owner, and Mr. David Garay, Son and interpreter, stepped forward and were 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 April 16, 2025, and notified them the same day. He stated the advertising stopped on April 18, 2025. He stated the website shows a daily rate of \$135, 9 reviews and rules state check in is 3 pm and check out is 11 am. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Ms. Martinez waived repetition of Ms. Diaz's argument as to why the City is requesting a finding that the nature of these violations are irreparable and irreversible.

Ms. Diaz asked that her argument be incorporated into the record of this proceeding.

Mr. Riggio explained these fines are higher than most Code cases due to them being irreparable and irreversible.

Mr. Garay states they were unaware of zoning. Once they were notified, they took the posting down right away.

**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 April 18, 2025, 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 05-25-28 - Paul U and Alberta A Siegrist** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **108 Lakewood Village Cir.** Violation(s)

– Zoning violation - the property is zoned PD-G. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 4/24/2025.

Ms. Jessica Foster, broker for management company, appeared via zoom and was sworn in.

Mr. Charley Heley and Wenjind Zhang, renters, stepped forward and were sworn in.

Inspector Yates stated the case was field generated and the property is zoned PD-G. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning district. He stated he first observed the violation on April 24, 2025, and notified them the same day. He stated the advertising stopped on April 24, 2025. He stated the website shows a daily rate of \$77, rules state check in is 4 pm and check out is 11 am. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Ms. Foster waived repetition of Ms. Diaz's argument as to why the City is requesting a finding that the nature of these violations are irreparable and irreversible.

Ms. Foster is representing the Management Company that the owners hired to take care of the property. They take care of the long-term rentals. She stated they sent Ms. Zhang and Mr. Heley a 7 day to cure because they were in violation of their lease with them.

There was discussion on when the management company was notified and whom by.

Riggio asked if the property had their business tax license.

Inspector Yates and Ms. Foster both stated they do.

Mr. Heley stepped forward to state his argument. Reciting Florida laws, he stated why he believed short-term rental was 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. 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 April 24, 2025, 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 05-25-29 - Ivan Defreitas** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **400 Auburn Dr #2**. 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 – 5/7/2025.

Mr. Ivan Defreitas stepped forward and was sworn in.

Inspector Yates stated the case was field generated and the property is zoned MFR-40. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning district. He stated he first observed the violation on May 7, 2025, and notified them the same day. He stated the advertising stopped on May 21, 2025. He stated the website shows a daily rate of \$140, 6 reviews and rules state check in is 3 pm and check out is 11 am. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$5,000.

Mr. Defreitas waived repetition of Ms. Diaz’s argument as to why the City is requesting a finding that the nature of these violations are irreparable and irreversible.

Ms. Diaz asked that her argument be incorporated into the record of this proceeding.

Mr. Defreitas asked why the fine was \$5,000 instead of \$1,000.

Inspector Yates stated the City is asking for a fine of \$5,000 due to Mr. Defreitas delayed response in taking the posting down.

Mr. Defreitas stated he did not see the posting and wasn’t aware of the violation until he received the letter in the mail.

Inspector Yates explained that he posted the property on May 7<sup>th</sup> and didn’t receive any contact until May 21<sup>st</sup> when the post was taken down.

***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 \$2,000, payable within 30 days, be imposed and that the property is in Compliance as of May 21<sup>st</sup>, 2025, 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 05-25-30 - Joann DeBaron King** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at & **507-509 Jessamine 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 – 5/1/2025.

Ms. Joann DeBaron King stepped 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 May 1, 2025, and notified them the same day. He stated the advertising stopped on May 6, 2025. He stated the website shows a daily rate of \$120, rules state No Smoking and Pets are allowed. This is the second violation. The first being CEB 01-16-12 dated 04/14/2016 He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$15,000.

Ms. King waived repetition of Ms. Diaz’s argument as to why the City is requesting a finding that the nature of these violations are irreparable and irreversible.

Ms. Diaz asked that her argument be incorporated into the record of this proceeding.

Ms. King stated that she is the "Poster Child" for the short-term rentals. She was the first case. She is aware of what is not allowed and would not do it again. She has turned others in. Her ID was hacked, and she was not the one to post on VRBO.

There was argument about the pictures not being current and other topics.

***DISPOSITION:*** *After hearing the arguments, the Special Magistrate continued the case to the next hearing June 24<sup>th</sup>, 2025.*

**CASE # 6 - RTL 05-25-31 - Jireh Whaletail 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 **552 Wells St.** Violation(s) – Zoning violation - the property is zoned RDM5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 5/7/2025.

Mrs. Lauren Bosse-Lange and Mr. David Lange, Managers, came forward and were sworn in.

Inspector Yates stated the case was field generated and the property is zoned RDM5. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning district. He stated he first observed the violation on May 7, 2025, and notified them the same day. He stated the advertising stopped on May 16, 2025. He stated the website shows a daily rate of \$265, rules state check in is 3 pm and check out is 11 am. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Mrs. and Mr. Lange waived repetition of Ms. Diaz's argument as to why the City is requesting a finding that the nature of these violations are irreparable and irreversible.

Ms. Diaz asked that her argument be incorporated into the record of this proceeding.

Mrs. Lange stated they had moved and didn't update their address, so it took some time to get the notices.

Inspector Yates stated once they received notice they took the posting down.

There was discussion on how the City can prevent and educate the public more about the rules of short-term rentals.

***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 May 16, 2025, 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 asked for any Miscellaneous Business, and there was none.

The meeting was adjourned at 11:10 am.