
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

July 22, 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

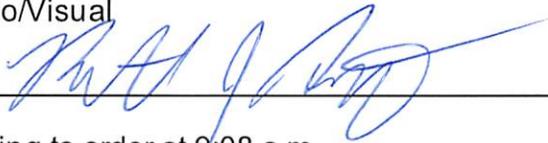
Ms. June Barnes, Rental Program Coordinator

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 9:08 a.m.

Mr. Riggio announced the procedure for the meeting.

Mr. Riggio asked for announcements and there were none.

Mr. Riggio approved the minutes of the June 24, 2025 meeting.

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

Mr. Riggio called Case #1.

Ms. Melissa Diaz, Assistant City Attorney presented the City's argument to all four attendees who appeared via Zoom. Ms. Diaz explained why the City is requesting to find the nature of these violations to be irreparable and irreversible.

Mr. Riggio explained that these cases are irreparable and irreversible therefor the fines can be significantly more. He stated that Ms. Diaz will be referring back to the City's argument as each case is presented so please pay close attention to her argument.

Ms. Diaz continued presenting the City's argument.

CASE # 1 - RTL 07-25-38 - Fabiola Cristina Diaz Barraza is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **517-515 Butler Blvd.** 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 – 6/25/2025.

Ms. Fabiola Cristina Diaz Barraza, owner, appeared via zoom and was sworn in.

Inspector Kevin 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 June 25, 2025, and notified them the same day. He stated the advertising stopped on June 26, 2025. He stated the website shows a daily rate of \$290, 3 review and rules state check in is 3 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 asked that her argument be incorporated into the record of this proceeding.

Mr. Riggio asked Ms. Barraza if she heard the ^{City's} Cities argument and if she had any questions.

Ms. Barraza 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. Barraza stated that she is new to the City and wasn't aware of the rules. When she bought the property, she was given the wrong information.

There was discussion on where Ms. Barraza received the wrong information about short term rentals.

Mr. Riggio explained the history of these cases and how the City has lowered the fine's over time.

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 26, 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 07-25-39 - Robert DeMaio, Dean Thomas Hussey and Kevin Lalor is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **506 University Blvd #2**. 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 – 6/26/2025.

Mr. Dean Thomas Hussey, part owner, 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 26, 2025, and notified them the same day. He stated the advertising stopped on July 11, 2025. He stated the website shows a daily rate of \$76, rules state check in is 12 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. There was a delay in taking the posting down due to the owner who was in charge of the posting was incarcerated.

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

Mr. Riggio asked Mr. Hussey if he heard the City's argument.

Mr. Hussey 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.

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 11, 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 07-25-41 - Devendra Kumar is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **606 Braddock 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 – 7/1/2025.

Mr. Devendra Kumar, owner, appeared via Zoom and was sworn in.

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 July 1, 2025, and notified them the same day. He stated the advertising stopped on July 2, 2025. He stated the website shows a daily rate of \$425, 3 reviews and rules state check in is 3 pm and check out is 10 am. He stated the violation is the third violation. The previous violations are RTL 01-21-35 on January 29, 2021 and RTL 09-24-88 on September 30, 2024. The violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$15,000.

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

Mr. Riggio asked Mr. Kumar if he heard and understood the City's argument.

Mr. Kumar asked for clarification.

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

Ms. Diaz clarified points in the City's argument that was in question.

There was discussion regarding zoning.

Mr. Riggio stated the City's argument is now part of the record.

Inspector Yates stated Mr. Kumar is aware of the zoning of his property since he was in front of the Magistrate two previous times for the same address.

There was discussion about Mr. Kumar's hardships and why he was not aware of the violation.

Inspector Yates corrected his initial statement of the violation being field generated to being complaint driven. He stated the complainant was unable to rent their own property long term due to the issues that were arising with Mr. Kumar's property.

DISPOSITION: After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$15,000, payable within 30 days, be imposed and that the property is in Compliance as of July 2, 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 06-25-37 - Paul A Merk is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **346 Plaza Blvd.** 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 – 6/5/2025.

Inspector Kevin Yates stated since the last hearing Mr. Merk was able to get control of the ^{property} and stop all short term rental. The City is asking for a fine of \$1,000.00 with a compliance date of June 24, 2025.

Mr. Merk appeared via Zoom and was sworn in.

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

Mr. Riggio asked Mr. Merk if he heard the City's argument.

Mr. Merk 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.

Mr. Merk stated that his tenant was the one who posted the property. He asked for the City to lower the fine to \$750.00.

Inspector Yates stated that due to the length of the posting the City will have to stick with the \$1,000.00 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. 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 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.

Mr. Riggio asked for any Miscellaneous Business, and there was none.

The meeting was adjourned at 10:02 am.