City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

August 26, 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
Mr. John Stenson, 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 asked for announcements.

The Secretary states the City is withdrawing Lien Review 3.

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

Mr. Riggio called Case #1.

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

CASE # 1 - RTL 08-25-42 - Five Family Houses LLC *is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at* ***815 Vernon St.*** *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 – 7/10/2025.*

No respondent was present.

Mr. Riggio asked if they were properly notified.

Ms. Melissa Diaz, Assistant City Attorney, stated they have.

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 10, 2025, and notified them the same day. He stated the advertising stopped on July 18, 2025. He stated the website shows a daily rate of $212, 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.

Mr. Riggio pointed out the City can request a fine up to $15,000.00 for irreparable and irreversible matters.

Ms. Diaz gave her argument as to why the City is requesting to find the nature of these violations to be irreparable and irreversible. Mr. Riggio stated that Ms Diaz's presentation on irreparable and irreversible violations, and the City's argument as to this violation being irreparable and irreversible are hereby incorporated into the record of this proceeding

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, 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 08-25-43 - Spencer Perry Jr., Jennifer Perry and Isaac C Perry** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 1216 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 – 8/6/2025.

Mr. Spencer Perry Jr., owner, 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 August 6, 2025, and notified them the same day. He stated the advertising stopped on August 7, 2025. He stated the website shows a daily rate of $211, 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.

Mr. Perry 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 stated that her argument ~~which~~ was hereby incorporated into the record

Mr. Perry explains they bought the property for his son to live in while he was going to school here. His son will need to live on campus for a few months and that's when they did the short-term rental. They did it out of ignorance and asked for leniency.

Mr. Riggio asked for the City's response.

Inspector Yates states that the City still recommends the $1,000 fine to stay consistent but would not object if the Magistrate feels it should be lower.

***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 $750.00, payable within 30 days, be imposed and that the property is in Compliance as of August 7, 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 08-25-44 - Georgia R Hines** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 109 Briercreek Cir. 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 – 8/7/2025.

Mrs. Georgia Hines, owner, 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 August 7, 2025, and notified them the same day. He stated the advertising stopped on August 7, 2025. He stated the website shows a daily rate of $93, rules state check in is 12 pm and check out is 12 pm. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of $1,000.

Mrs. Hines 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. Ma Riggio stated that her argument was hereby incorporated ~~not~~ into the record.

Mrs. Hines stated she had no idea she couldn't list the property for short term rental. She explained her hardships and that her husband is deployed.

Mr. Yates noted that the listing was taken down within an hour of posting.

Mrs. Hines stated she never received any monetary gain.

Mr. Yates. Agreed that he saw no evidence of the property being rented.

There was further discussion about the listing.

***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 $500.00, payable within 30 days, be imposed and that the property is in Compliance as of August 7, 2025, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to $15,000 per occurrence.*

Continued Case: Irreparable/Irreversible

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.

Mr. Riggio recalls the case events from the May 27, 2025 hearing.

Ms. Joann DeBaron King, owner, 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 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 02-16-12 dated 04/14/2016 Citizen complaints generated were ISU 2005-0153 and ISU 2104-006 both reporting short term rental. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of $15,000.

Ms. Diaz gave the City's argument for the case as to why the city believes this was the second violation.

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. Mr Riggio stated that her argument was hereby incorporated into the record.

Mr. Riggio states that he wants to make sure everything is clear before Ms. King states her argument. He would like to hear something more solid as to evidence on why this posting was not her doing.

Ms. King stated her argument as to why the VRBO post was not her doing.

There was further discussion about her identity being stolen and her intentions on turning the property into a bed and breakfast.

There was also discussion about the VRBO post and who the property manager was that was listed on the website.

Ms. King presented VRBO screenshots showing the contacts. They are submitted as Respondent Exhibits A and B.

Inspector Yates explains the "Contact Selector" section showed on Exhibit B.

Ms. King continues argument and questions what she needs to bring forward to prove her case.

Mr. Riggio explains his stance.

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*

Mr. Riggio stated that her argument was hereby incorporated into the record.

amount of $15,000, payable within 30 days, be imposed and that the property is in Compliance as of May 6, 2025, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to $15,000 per occurrence.

Ms. Rankin states that Respondents from Case #1 RTL 08-25-42 are now present if Mr. Riggio would like to hear their argument.

Ms. Diaz objects, stating that there has already been a ruling on this case.

Mr. Riggio states he is willing to bring them forward and hear their argument.

Mr. Riggio calls Case #1

CASE # 1 - RTL 08-25-42 - Five Family Houses LLC *is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at* ***815 Vernon St.*** *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 – 7/10/2025.*

Mrs. Marie Catul, owner, and Mr. Mario Catul, owner's husband, came forward and were sworn in.

Mr. Riggio explains that he has heard the case already because they were not there when the case was being called. But he would give them time to speak.

Mrs. Catul stated that she was in the building at 9 but was lost.

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 10, 2025, and notified them the same day. He stated the advertising stopped on July 18, 2025. He stated the website shows a daily rate of $212, 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. Diaz gave her argument as to why the City is requesting to find the nature of these violations to be irreparable and irreversible.

Ms. explains they didn't know they weren't allowed to do short-term rental and as soon as she got the letter she shut everything down.

Mr. Riggio explains the severity of the fine.

Ms. Diaz explains there was an eight-day delay.

Mrs. Catul explained once she got notice she called to get it taken down and they did not take it down right away.

Inspector Yates clarifies that Mrs. Catul was working with a management company that didn't take the post 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 July 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.*

Lien Review
LR-1

RTL-01-22-01 - 113 Azalea Dr. - Sybil Redhead EST (new owner is Adeyemi Abel) 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 – 8/8/2020. **Imposition of Fine in the amount of $100.00 per day effective February 22, 2022, until compliance is achieved or reached the maximum of $15,000.00. Compliance = July 1, 2025. $15,000.00 plus $24.00 recording fee costs plus $1,876.95 interest = $16,900.95**

Mr. Adeyemi Abel, owner, came forward and was sworn in.

Mr. Riggio asked Inspector Stenson to give a brief overview of the case.

Inspector John Stenson stated that the City met with Mr. Abel and looked over all the legal documents. In doing so, they found that there was some concerns about due process. They City recommends we wave this lien.

Mr. Riggio asks if Mr. Abel is in agreeance.

Mr. Able agrees.

***DISPOSITION**:* The Lien is reduced to $0.00.

LR-2

CEB-06-20-128 - 113 Azalea Dr. - Sybil Redhead EST (new owner is Adeyemi Abel) is cited for failure to correct violations of Art. 3 Sec. 3.3.4.S; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8, 304.6, 304.13, 305.3, 603.1, 604.3.2.1, 605.1, 704.2), Violation(s) – No permits, junk vehicle, exterior surfaces, broken windows, interior surfaces, hot water heater, light fixtures, electrical wiring, no smoke detectors. First Notified – 3/13/2020. **Imposition of Fine in the amount of $200.00 per day effective September 10, 2020, until compliance is achieved or reached the maximum of $15,000.00. Compliance = July 1, 2025. $15,000.00 plus $24.00 recording fee costs plus $4,152.96 interest = $19,176.96**

Mr. Able, owner, is present for this case as well.

Inspector Stenson explains that this is the same as last case. The legal documents have concerns of due process. The City also went out and re-inspected the property, and they are now in compliance.

***DISPOSITION**:* The Lien is reduced to $0.00.

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

The meeting was adjourned at 10:31 am.