
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

January 24, 2023 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney

Cortland Lampe, Police Officer

Mr. Clifford Recanzone, Rental Inspector

Ms. LaWanda Tomengo, Rental Inspector

Mr. Steven Cole, Rental Inspector

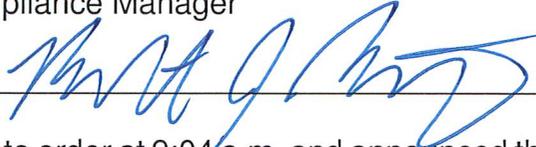
Ms. June Barnes, Board Secretary

Mr. Enzo Bagazzoli, Rental Program Technician

Mr. Joe Graves, Audio/Visual

Mr. Xavier Campbell, Audio/Visual

Mr. Denzil Sykes, Code Compliance Manager

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 9:04 a.m. and announced the procedure for the meeting.

Mr. Riggio asked if there were any announcements. The Board Secretary announced the following cases in Compliance.

CASE # 6 - RTL 11-21-234 - RE Equity Investment Group LLC & Juanny Paulino & Daytona 19 LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **505 5th Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/19/2021.

Compliance 1/20/2023

CASE # 12 - RTL 08-22-166 - Joseph C & Kimberley M Talavera is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **721 S Grandview Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/12/2022.

Compliance 1/23/2023

CASE # 16 - RTL 08-22-168 - Allen B Williams & Philip Williams is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1441 Mississippi St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/20/2022.

Compliance 1/20/2023

CASE # 17 - RTL 04-22-83 - Anthony Ray Teel is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **611 North St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/16/2022.

Compliance 1/20/2023

Mr. Riggio approved the minutes from the November 22, 2022 meeting.

City staff and officers who will be testifying were sworn in.

Mr. Riggio asked if there were any attorneys present and called the first case.

CASE # 9 - RTL 04-22-106 - Advanced Minerals Inc TR & 317 Fairview Ave Land Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **317 Fairview Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/13/2022.

Ms. Jessica Gow, attorney, came forward.

Inspector LaWanda Tomengo stated she has had communication with Ms. Gow and they are working on bids for demolition of the rear building. She stated they are also seeking rezoning and is asking to Amend to the next cutoff for Compliance.

Ms. Gow stated she is agreeable and will have a timeline at the next meeting. She stated the City has agreed to change the zoning.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by February 22, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 4 - RTL 01-23-08 - Ambassador of Business Health Wellness & Etc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1301 N Atlantic Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/16/2022.

Mr. Robert Olsen, Director, came forward and was sworn in.

Inspector Cole stated he inspected the property in January 2023 with failed results. He stated he is requesting a finding of Non-Compliance and next cutoff to come into Compliance. He stated Mr. Olsen has been working with planning on his parking issue and would like to wait for the results of that department's findings.

Mr. Olsen stated he has been waiting for the decision from planning.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by March 22, 2023 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 10 - RTL 08-22-165 - Theo Cox is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **857 Magnolia Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/19/2022.

Mr. Theo Cox and Ms. Ashanti Cox came forward and were sworn in.

Inspector Tomengo stated since the last hearing she has had no communication with the owner. She stated she did an onsite visit on January 9th for the exterior of the property and the property appears vacant. She stated she has no details on the progress and is asking for a fine in the amount of \$100 to a maximum of \$15000.

Mr. Cox stated he met with someone who assessed the roof last week and the insurance is on point.

Ms. Cox stated the roof was damaged in the hurricane.

Mr. Riggio asked if the property was occupied.

Mr. Cox stated he bought some mold and mildew spray that they went in and removed mold and mildew and painted.

Inspector Tomengo stated that both units are vacant and she has had contact with the previous tenant who was moved after the hurricane.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by February 22, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 7 - RTL 08-22-163 - Daytona 19 LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **549 Mulberry St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/14/2022.

Mr. Ralph Chiaia, Mr. Andy Liu and Mr. Wilson Zorilla appeared via Zoom and were sworn in.

Inspector Tomengo stated that since the last hearing she has had communication with Mr. Zorilla on the status of the remaining repairs. She stated the windows are on order and at yesterday's site visit noticed that the exterior siding was damaged and sent him pictures. She stated she is requesting to amend to the next cutoff for the windows and siding.

Mr. Zorilla stated he is expecting to be in Compliance in about 2 weeks.

The Board Secretary stated the case has a previous auto-fine for the windows.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by February 22, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 8 - RTL 08-22-164 - Daytona 19 LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **801 S Ridgewood Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/12/2022.

Inspector Tomengo stated since the last hearing they have scheduled the next inspection for February 10th on all 4 units. She stated they had a recent move out of unit 3 and is asking to amend to the next cutoff.

Mr. Chiaia, Mr. Zorilla and Mr. Liu agreed.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by February 22, 2023 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 5 - RTL 01-23-01 - RE Equity Investment Group LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **819 N Ridgewood Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/17/2022.

Mr. David Rivas, General Manager, came forward and was sworn in.

Inspector Steve Cole stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Rivas stated there were issues with parking and they combined the parcels.

Inspector Cole stated if the parcels are combined there are now 9 units on the property and a Rental License is not needed.

Mr. Jackson stated the case is resolved and in Compliance. He stated the owners still need to obtain a Business Tax Receipt.

DISPOSITION: The Special Magistrate found the property in Compliance as of February 25, 2023.

CASE # 1 - RTL 01-23-02 - Anthony Walker & Nicole Tickle is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **462 Tuscany Chase Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/20/2022.

Respondent was not present.

Inspector Cole stated the property is occupied as of the last inspection on January 13th. He stated he is requesting a finding of Non-Compliance and next cutoff to come into Compliance. He stated he has had contact and the Respondent is in the process of applying for a rental license.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 22, 2023 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 2 - RTL 01-23-03 - Anil Maharaj & Ugindr Maharaj is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **331 Taylor Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/7/2022.

Respondent was not present.

Inspector Cole stated the property is vacant but has applied for a license. He stated the inspection on January 13th failed and is asking for a finding of Non-Compliance and next cutoff to come into Compliance. He stated the owners intend to rent the property and he has had contact where they advised him they are almost ready for re-inspection.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 22, 2023 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 3 - RTL 01-23-04 - GEA Seaside Investments Inc is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **231 N Hollywood Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/16/2022.

Respondent was not present.

Inspector Cole stated the property is occupied and last inspected the property on January 13, 2023. He stated he is asking for a Finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Riggio asked Mr. Jackson if the bankruptcy has ended for this owner.

Mr. Jackson stated they are still in reorganization.

DISPOSITION: The Special Magistrate found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by February 22, 2023 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CONTINUED CASES:

CASE # 11 - RTL 10-22-194 - BMS Holdings LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **336 Fulton St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/22/2022.

Respondent was not present.

Inspector Tomengo stated since the last hearing she has been in contact with the Property Manager and conducted an inspection on January 10, 2023 with failed results. She stated the owner has extensive repairs and is asking to amend to the March hearing for Compliance.

Mr. Riggio stated that the inspector should pass along a message from him that based on the pictures he will impose a fine at the next hearing.

DISPOSITION: The Special Magistrate amended the previous Order of Non-Compliance and ordered the Respondent to come into Compliance by March 22, 2023 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 13 - RTL 01-22-25 - R Lawrence Vandenberg is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **299 Woodland Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/6/2021.

Respondent was not present.

Inspector Cole stated the property is occupied and since last month he has had no contact with the Respondent. He stated they are going through the ADU process and requested to amend to the April cutoff for Compliance.

DISPOSITION: The Special Magistrate amended the previous Order of Non-Compliance and ordered the Respondent to come into Compliance by April 19, 2023 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 14 - RTL 06-22-126 - Autinomics LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **531 Janice Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/29/2022.

Respondent was not present.

Inspector Cole stated the property is occupied but he has had no contact with the owner. He stated they are going through the ADU process and is asking to amend to the April cutoff.

DISPOSITION: The Special Magistrate amended the previous Order of Non-Compliance and ordered the Respondent to come into Compliance by April 19, 2023 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 15 - RTL 11-22-197 - Manuel Marquez is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1327 Eugene Black St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 9/22/2022.

Respondent was not present.

Inspector Cole stated since the last hearing he has had no contact and there has been no progress. He stated he cannot tell if it is occupied because there is a bicycle lock and key box on the gate. He stated he did find the property advertising online and submitted an exhibit of the online ad which the Magistrate made a part of the record. He stated he is asking for a fine of \$100 per day to a maximum of \$15,000.

DISPOSITION: The Special Magistrate ordered that a fine in the amount of \$100 per day, effective January 24, 2023, be imposed until Compliance is achieved or the fine reaches the maximum amount of \$15,000.

CASE # 18 - RTL 09-22-185 - New Leaf Real Estate LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **323 Taylor Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/29/2022.

Respondent was not present.

Inspector Cole stated the owners are going for a zoning review to combine parcels and he is asking to amend to the next hearing for that decision.

DISPOSITION: The Special Magistrate amended the previous Order of Non-Compliance and ordered the Respondent to come into Compliance by February 22, 2023 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 19 - RTL 08-22-157 - Richard Britt Jr is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **426 Model St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/7/2022.

Respondent was not present.

Inspector Cole stated since the last hearing the property is occupied, he has had no contact and there has been no progress. He stated he is requesting a fine in the amount of \$100 per day to a maximum of \$15,000. Based on the photographs and other evidence, the Special Magistrate felt a fine of \$150 per day was more appropriate.

Mr. Cole agreed.

He stated he has inspected the property and there a numerous violations but no re-inspection has been scheduled.

DISPOSITION: The Special Magistrate ordered that a fine in the amount of \$150 per day, effective January 24, 2023, be imposed until Compliance is achieved or the fine reaches the maximum amount of \$15,000.

CASE # 20 - RTL 10-22-192 - Stanlee Smith is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **858 Pinewood St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 9/8/2022.

Respondent was not present.

Inspector Cole stated he has had contact with the owner and they are going through the application process for a Rental License. He stated he is asking to amend to the next cutoff for Compliance to give them time to make repairs from the first inspection.

DISPOSITION: The Special Magistrate amended the previous Order of Non-Compliance and ordered the Respondent to come into Compliance by February 22, 2023 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

LR-1 - RTL 08-22-155 - 704 Alabama St - Adeyemi Abel 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 – 5/6/2020. **Order Imposing Fine/Lien of \$100 per day to a maximum of \$15,000 imposed on October 6th, 2022. Compliance achieved November 8, 2022. Amount due = \$4,100.00.**

Respondent was not present.

Manager Denzil Sykes stated he met with Mr. Abel and based on the promptness and obtaining licenses on 10 additional properties is requesting to reduce the amount of the lien to \$500.

The Board Secretary entered an email exhibit from the Respondent stating he agrees to the reduction to \$500.

DISPOSITION: After hearing the arguments, the Special Magistrate reduced the amount of the fine to \$500 subject to payment in the next 30 days or the fine reverts back to the original amount of \$4,100.

There was no miscellaneous business.

The meeting was adjourned at 10:02 a.m.