

**ADMINISTRATIVE APPEALS BOARD**  
CITY OF PALM SPRINGS, CALIFORNIA  
PALM SPRINGS CONVENTION CENTER  
West Conference Room  
CITY HALL  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262  
MINUTES  
JULY 10, 2017

**CALL TO ORDER:**

Interim City Clerk Hart called the meeting to order at 4:03 p.m.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

**ROLL CALL:**

PRESENT: Members Cleary, Howard, Kearns, and Reed

ALSO IN ATTENDANCE WERE: City Attorney Kotkin and Interim City Clerk Hart

**ACCEPTANCE OF THE AGENDA:**

The agenda was accepted as presented by a majority (4-0-0).

**ADMINISTER OATH OF OFFICE:**

Interim City Clerk Hart administer the Oath of Office to Member Cleary.

**PUBLIC COMMENT:** None.

1. **APPEAL HEARINGS:** None.

2. **OTHER BUSINESS:**

2A. **APPOINTMENT OF CHAIR AND VICE CHAIR:**

**ACTION**

By a majority (4-0-0) vote Members Reed and Howard were appoint Chair and Vice Chair respectively.

2B. **DISCUSSION REGARDING THE PURPOSE OF THE ADMINISTRATIVE APPEALS BOARD, THE CONDUCT OF APPEAL HEARINGS, AND REVIEW THE REQUIREMENTS OF PALM SPRINGS ORDINANCE NO. 1918 PERTAINING TO THE REGULATION OF VACATION RENTALS:**

**ACTION**

Staff was directed to provide a draft Rules of Procedures at a future meeting.

ITEM NO. 2.B.

**BOARD MEMBER COMMENTS AND REQUESTS:**

The Board Members provided general comments.

**CITY CLERK'S REPORT:** None.

**ADJOURNMENT:**

At 4:58 p.m. the Administrative Appeals Board adjourned to the next Special Meeting on Monday, July 17, 2017, at 8:30 a.m., in Primrose C, at the Palm Springs Convention Center; 277 N. Avenida Caballeros, Palm Springs, CA 92262.

Respectfully submitted,

Kathleen D. Hart, MMC  
Interim City Clerk

**CERTIFICATION**

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, California, hereby certify that the July 10, 2017, MINUTES were approved by the Administrative Appeals Board of the City of Palm Springs at a special meeting held on October 27, 2017, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSAL:

\_\_\_\_\_  
KATHLEEN D. HART, MMC  
Interim City Clerk

**ADMINISTRATIVE APPEALS BOARD**  
CITY OF PALM SPRINGS, CALIFORNIA  
PALM SPRINGS CONVENTION CENTER  
Primrose C  
277 N. Avenida Caballeros  
Palm Springs, CA 92262  
**MINUTES**  
JULY 17, 2017

**CALL TO ORDER:**

Chair Reed called the meeting to order at 8:32 p.m.

**PLEDGE OF ALLEGIANCE:**

Board Member Cleary led the pledge.

**ROLL CALL:**

PRESENT: Members Cleary, Kearns, Vice Chair Howard, and Chair Reed

Also in attendance were: City Prosecutor Attorney Kotkin (City Attorney), Interim City Clerk Hart, and Vacation Rental Compliance Officials Stark, Severin, and McWilliams

**ACCEPTANCE OF THE AGENDA:**

On motion by Board Member Kearns, second by Board Member Cleary, and approved by a majority (4-0-0) voice vote.

**PUBLIC COMMENT:**

Mike Ziskind, Chair of Protect Our Neighborhoods, addressed the Board regarding illegal vacation rentals and urged enforcement of penalties.

Tim Erkins spoke in support of adhering to the fines and penalties in the current vacation rental ordinance.

Brian Yaklick indicated opposition to illegal vacation rentals.

**1. OTHER BUSINESS:**

City Prosecutor Kotkin discussed the membership on the Board and the need to obtain three-fourths vote. He discussed his role as City Prosecutor and offered an opportunity to pay the fine or come up with a compliance plan.

Chair Reed explained that the Board was neutral and comprised of volunteer residents.

**1A. ADMINISTRATIVE APPEALS BOARD RULES OF PROCEDURE:**

Board discussion ensued.

**ACTION**

Approved by a majority vote (3-1-0, Howard voting NO) the Board tabled the Administrative Appeals Board Rules of Procedures to later in the meeting, and determined to utilize the proposed Rules of Procedures in the interim.

**2. APPEAL HEARINGS:**

Chair Reed explained the procedures for hearings.

**2A. APPEAL THE ADMINISTRATIVE DECISION THAT MARINA ZECEVIC IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND A FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1990 N. FARRELL DRIVE: (Marina Zecevic)**

Vacation Rental Compliance Official Severin presented the staff report, and provided additional information.

Board discussion ensued.

Chair Reed opened the Appeal Hearing.

Marina Zecevic, appellant, discussed her payment of fines and application for a permit. She explained her misunderstanding regarding advertisement and stated she did not remove the advertisement but blocked the rental for the 45-day period.

Tim Erkins stated the impacted, adjacent neighbors were not present due to inadequate notice. He urged efforts to allow the ordinance to work and not be watered down.

Chair Reed noted that many of Mr. Erkins comments were not within the Board's purview.

City Attorney Kotkin explained the process of cross-appeals and stated notice was only required to be provided to the vacation rental owner.

Ed Emond-Warlined, Cathedral City resident, discussed the City of Cathedral City's ordinance. He asked if the prior citations were issued for operating without a permit and if the appellant paid TOT taxes to the City of Palm Springs.

Ms. Zecevic stated the following:

- The property was unavailable during the 45-day application period
- She did not rent or operate as a short-term rental during that period
- She received two citations, then applied, then received a third citation with \$5,000 fine

- The ordinance was unclear about removing the advertisement from the website
- She thought she was not allowed to take bookings for the 45-day time-period, and stated her rental would not have appeared in searches for those dates
- She had not cleaned up the listing and it referenced prior Coachella rentals
- She could still rent her property for 29 days or more.

Vacation Rental Official Severin stated an advertisement was found on May 17, 2017, that was not included in the packet. Ms. Zecenvic agreed to allow the additional information be considered.

***Chair Reed called a recess at 10:19 a.m.***

***Chair Reed reconvened at 10:30 with all Board members present.***

Ms. Zecevic explained her attempt to block the 45 days. She stated VRBO could send documentation of her effort.

Chair Reed closed the hearing and explained the deliberation process.

Board discussion ensued.

#### **ACTION**

Motion by Member Kearns, seconded by Vice Chair Howard, and approved by a majority (3-1-0, Member Cleary dissenting) roll call vote, Resolution No. 0013 was adopted, **upholding** the administrative decision that Marina Zecevic is permanently ineligible to operate a Vacation Rental in the City of Palm Springs.

#### **ACTION**

Motion by Chair Reed, seconded by Vice Chair Howard, and approved by a majority (3-1-0, Member Cleary dissenting) roll call vote, Resolution No. 0014, was adopted, **upholding** the administrative fine of \$5,000.00 for operating an unregistered Vacation Rental Property located at 1990 N. Farrell Drive, Palm Springs.

#### **2B. APPEAL OF THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 504 N. FARRELL DRIVE: (Anthony Sanchez and Steven Edwards)**

Vacation Rental Compliance Official Stark presented the staff report.

City Prosecutor Kotkin suggested imposing both the fine and permanent ineligibility to operate.

Board discussion ensued.

Chair Reed opened the Appeal Hearing.

Steven Edwards discussed the recent purchase of the property and his efforts to understand and comply with the law. He stated he attempted to pay the \$5,000 fine and was told to hold it until after the appeal.

City Prosecutor Kotkin confirmed with Ms. McWilliams that Mr. Edwards had tried to pay the \$5,000. He stated the appellant could withdraw the appeal, pay \$5000, and proceed with the compliance plan.

Mr. Edwards requested the fine be reduced due to the property being a home share. He stated there was a lot of confusion over the ordinance.

Board discussion ensued.

### **ACTION**

On motion by Member Cleary, seconded by Member Kearns, and approved by a majority (4-0-0) roll call vote, Resolution No. 0015 was adopted, **suspending** the hearing, pending payment of the administrative fine of \$5,000, within seven days, for operating an unregistered Vacation Rental Property located at 504 N. Farrell Drive, Palm Springs, and refunding the appeal fees.

### **2C. APPEAL OF THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 500 E. AMADO ROAD, #204: (Rich Lampley)**

Vacation Rental Compliance Official Stark presented the staff report.

Board discussion ensued.

Chair Reed opened the Appeal Hearing.

Rich Lampley explained the long time, long term rental of his property. He stated he had rented the property for 12 and 18 days respectively, in 2016, then decided not to do short term rentals.

Mr. Lampley provided the following:

- Stated he had offered to pay tax on the rentals.
- Presented the rental agreements, which were all over 28 day rentals.
- Discussed the 14-day listing and indicated he did not take any reservations for less than 28 days.
- Stated he did not have any bookings for less than 28 days. He listed the current reservations. He stated he did not dispute any of the facts presented by staff. He stated he was not seeking a short-term rental certificate. He stated he rented to the same people

every year for four (4) to five (5) months. He explained when he changed the advertisement.

City Prosecutor Kotkin indicated he was placing the appellant's written materials on the table for the public to review.

Mr. Lampley stated he was not going to rent the property as a short term rental and planned to sell the property.

Vacation Compliance Official Stark stated the property owner had modified the advertisement to allow 14 day rentals. He stated the law since 2011 had indicated a short-term rental was anything under 28 days. He stated the property had been rented for 12 and 18 days.

City Prosecutor Kotkin stated he was hearing guilty with an explanation. He stated there was a violation and the property owner was looking for leniency. He requested the Board make the finding enforcing the fine and determining the property permanently ineligible.

Board discussion ensued.

Additionally, Mr. Lampley explained why he tested the market to fill the property since his long-term renters were not returning. He explained that the property was advertised to less than 30 days as a loss leader. He stated he was in the process of engaging an agent to sell the property.

#### **ACTION**

Member Kearns moved and Member Cleary seconded a motion to adopt a resolution **upholding** the administrative decision that Rich Lampley is permanently ineligible to operate a Vacation Rental in the City of Palm Springs, but **staying** the administrative fine of \$5,000.00 for operating an unregistered Vacation Rental Property located at 500 E. Amado Road, #204, Palm Springs.

Board discussion continued.

Based on Board comments, the motion was withdrawn.

Board deliberation ensued.

#### **ACTION**

Vice Chair Howard moved and Member Kearns seconded a motion to adopt a resolution **upholding** the administrative decision that Rich Lampley is permanently ineligible to operate a Vacation Rental in the City of Palm Springs, and **upholding** the administrative fine of \$5,000 for operating an unregistered Vacation Rental Property located at 500 E. Amado Road, #204, Palm Springs.

The motion failed 2-2, Member Cleary and Chair Reed dissenting.

**ACTION**

Member Cleary moved to adopt a resolution **upholding** the administrative decision that Rich Lampley is permanently ineligible to operate a Vacation Rental in the City of Palm Springs, **enforcing** an administrative fine of \$2,850.00 for operating an unregistered Vacation Rental Property located at 500 E. Amado Road, #204, Palm Springs, with remaining \$2,150.00 stayed unless future violations occur.

The motion died due to lack of a second.

*Chair Reed called a recess at 12:35 p.m.*

*Chair Reed reconvened the meeting at 1:45 p.m., all members were present.*

**2D. APPEAL OF THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1454 SUNFLOWER CIRCLE: (Andrew Kwas)**

Vacation Rental Compliance Official Severin provided the staff report.

Chair Reed opened the Appeal Hearing.

Appellant Kwas addressed the Board providing information and documents to prove the property was not a vacation rental.

Tim Erkins expressed concern regarding Mr. Kwas owning seven units and only one being cited. He stated the 2011 advertisement should have been updated.

No others came forth to address the Board; therefore, Chair Reed closed the hearing.

The Board Members asked staff for additional information and clarification.

Board deliberation ensued.

**ACTION**

Vice Chair Howard moved and Member Kearns seconded a motion to adopt a resolution **upholding** the administrative decision that Andrew Kwas is permanently ineligible to operate a Vacation Rental in the City of Palm Springs, and **upholding** an administrative fine of \$5,000.00 for operating an unregistered Vacation Rental Property located at 1454 Sunflower Circle, Palm Springs.

**The motion failed 2-2, Member Cleary and Chair Reed dissenting.**

**2E. APPEAL OF THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1035 W. OAKCREST DRIVE: (Jeffrey Upin)**



City Prosecutor Kotkin stated the appellant was not available to attend the hearing and indicated the Board could continue the matter to the next hearing.

**ACTION**

On motion by Chair Reed, seconded by Member Cleary, and carried by a majority (4-0-0) vote this item was continued to the next special meeting, with the stipulation that whether Mr. Upin was present and the Board would proceed with the evidence as presented.

- 2F. APPEAL THE ADMINISTRATIVE DECISION THAT SANDRA BETLAN IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND A FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED 2104 N. VOLTURNO ROAD: (Sandra Betlan)**

City Prosecutor Kotkin stated Ms. Betlan had filed a compliance plan and sought to pay fine. If she was willing to pay the \$5,000 fine and withdraw the appeal, the Board could suspend the proceedings and the penalty would be stayed with respect to permanent ineligibility.

Ms. Betlan stated she would pay the fine and withdraw the appeal.

**ACTION**

On motion by Board Member Cleary, seconded by Member Kearns, and carried by a majority (4-0-0) roll call vote the appeal hearing was **suspended** pending payment of the administrative fine of \$5,000, within seven days, for operating an unregistered Vacation Rental Property located at 2104 N. Volturmo Road, Palm Springs, and refunding the appeal fees.

*Chair Reed recessed the meeting at 3:10 p.m.*

*Chair Reed reconvened the meeting at 3:15 p.m, and all members were present.*

- 2G. APPEAL THE ADMINISTRATIVE DECISION THAT JOANNA GROLLMUS IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND A FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 5265 E. WAVERLY DRIVE, #79: (Joanna Grollmus)**

Vacation Rental Compliance Official Stark provided the report.

*At 3:23 p.m., Vice Chair Howard exited the Chamber due to a potential conflict of interest.*

City Prosecutor Kotkin explained that three affirmative votes were necessary for a motion to pass. He offered the appellant the opportunity to continue the hearing. Ms. Grollmus requested the hearing proceed.

Chair Reed opened the Appeal Hearing.

Appellant Grollmus requested the Board overturn the administrative decision and that she did not have \$5,000 to pay the fine.

No others came forth to address the Board; therefore, Chair Reed closed the hearing.

The Board Members asked the appellant for additional information and clarification.

Staff explained the process and lack of communication from the appellant.

Board deliberation ensued.

**ACTION:**

On motion by Chair Reed, seconded by Board Member Kearns, and carried by a majority (3-0-1, Howard absent) Resolution No. 0015 was adopted **upholding** the administrative decision that Joanna Grollmus is permanently ineligible and Resolution No. 0016 was adopted **upholding** the administrative fine of \$5,000.00 for operating an unregistered Vacation Rental Property located at 5265 E. Waverly Drive, #79, Palm Springs.

*At 3:59 p.m. Vice Chair Howard returned to the dais.*

**2H. APPEAL OF THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1692 SUNFLOWER COURT: (Limneo Valencia)**

Vacation Rental Compliance Official Stark provided the report.

The Board Members asked staff for additional information and clarification.

Chair Reed opened the Appeal Hearing.

Appellant Valencia addressed the Board indicating his tenant had sublet the property as a short-term rental.

City Prosecutor Kotkin stated there was a lack of knowledge on a preponderance of evidence that Mr. Valencia had knowledge that the property was being used as a short-term rental. He stated he was cited under Section 5.25.090.C. He recommended granting the appeal with respect to the citation that was issued. He urged the property owner to pay attention to his tenants and use of the property.

The Board requested the citation be stricken and dismissed.

City Prosecutor Kotkin dismissed the citation.

Board deliberation ensued.

**ACTION**

On motion by Member Cleary, seconded by Chair Reed, and carried by a majority (3-0-1, Kearns abstaining) the citation was dismissed and appeal fees will be refunded to Mr. Valencia.

**PUBLIC COMMENTS (Continued):**

Brian Yaklick suggested a streamlined process for reviewing citations and appeals.

**1. OTHER BUSINESS (Continued):**

**1A. ADMINISTRATIVE APPEALS BOARD RULES OF PROCEDURE (Continued):**

Vice Chair Howard requested corrections/clarification to the following:

- Page III, Section 4.11 hereof
- Page 10, Item 6.2, word missing

Interim City Clerk Hart indicated she would research and remedy the issues.

Vice Chair Howard stated the procedures did not appear to address the issues of testimony under oath. City Attorney Kotkin explained his role as City Prosecutor and City Attorney. He suggested an ad hoc subcommittee with Chair Reed and Vice Chair Howard to address that issue with him as City Attorney. Interim City Clerk Hart stated she had not considered whether the testimony was under oath. Vice Chair Howard stated the procedures should include a provision for testimony to be taken under oath. Interim City Clerk Hart stated the appellants had signed a speaker form indicating their testimony was under oath.

Vice Chair Howard suggested the Board not receive documents at the time of the hearing.

Chair Reed suggested requiring all documents with the filing of the appeal. City Attorney Kotkin suggested an ad hoc committee consider the matter due to due process issues. Chair Reed stated he would discuss the issues with City Attorney Kotkin and report back to the Board.

**ACTION**

Resolution No. 0017, adopting the procedures as amended to correct:

- 1) Page III, Section 4.11 hereof; and
- 2) Page 10, Item 6.2, word missing.

Approved by a majority (4-0-0) roll call vote.

**BOARD MEMBER COMMENTS AND REQUESTS:**

Member Kearns discussed the need to define "operating."

Chair Reed requested clarification on homeshare.

Vice Chair Howard discussed the code that created the Board, and required filing with the City Council of a written report on each decision of the Board. Chair Reed noted the resolutions indicated the resolution and disposition report would be provided to the City Council. City Attorney Kotkin stated there would be a "receive and file" staff report on the City Council agenda.

Vice Chair Howard discussed the reference to legal advisor to the Board and the possibility of the board conferring with legal counsel for legal advice to the Board. City Prosecutor Kotkin stated an additional attorney could be procured for legal advice.

Member Cleary suggested discretion on the amount of the fine.

City Attorney Kotkin stated the regulations were available. Interim City Clerk Hart stated the procedures and regulations could be posted on the website.

Tim Erkins suggested reducing public comment to two minutes and appellant comments to eight minutes. He suggested the Board direct its questions to the appellant and staff at the same time.

**CITY CLERK'S REPORTS AND FUTURE MEETING DATES:**

Interim City Clerk Hart recommended the next Board meeting be held on July 27, 2017. The Board determined to meet on July 28, 2017, at 8:30 a.m.

**ADJOURNMENT:**

At 5:02 p.m., the Board adjourned to a Special Meeting on Friday, July 28, 2017, at 8:30 a.m., at the Palm Springs Convention Center, Primrose C, 277 N. Avenida Caballeros, Palm Springs.

Respectfully submitted,

Kathleen D. Hart, MMC  
Interim City Clerk

CERTIFICATION

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    ) ss.  
CITY OF PALM SPRINGS     )

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, California, hereby certify that the July 17, 2017, MINUTES were approved by the Administrative Appeals Board of the City of Palm Springs at a special meeting held on October 27, 2017, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSAL:

\_\_\_\_\_  
KATHLEEN D. HART, MMC  
Interim City Clerk

**ADMINISTRATIVE APPEALS BOARD**  
CITY OF PALM SPRINGS, CALIFORNIA  
PALM SPRINGS CONVENTION CENTER  
Primrose C  
277 N. Avenida Caballeros  
Palm Springs, CA 92262  
MINUTES  
JULY 28, 2017

**CALL TO ORDER:** Chair Reed called the meeting to order at 8:33 a.m.

**PLEDGE OF ALLEGIANCE:** Board Member Cleary led the salute to the Flag.

**ROLL CALL:**

Present: Board Members Cleary, Kearns, Vice Chair Howard, and Chair Reed

Also Present: Interim City Clerk Hart, City Prosecutor/Attorney Kotkin, Vacation Rental Compliance Official Severin and Stark

**ACCEPTANCE OF THE AGENDA:**

City Prosecutor Kotkin requested Items 1A and 1D be withdrawn from the agenda.

**ACTION:** On motion by Chair Reed, seconded by Board Member Kearns, and approved by a majority 4-0-0 vote, the agenda as presented was approved with the withdrawal of Items 1A and 1D.

**PUBLIC COMMENTS:**

Mark Owens stated the City was undermining the ordinance due to it indicating the offender "shall" pay \$5,000 and "shall" be removed forever.

Mike Ziskind questioned why there were exceptions to the ordinance and requested why Code Enforcement was adjudicating a citation. He stated written procedures were necessary.

Chair Reed noted that the Vacation Rental Department and City Manager, with review by the City Prosecutor, had adopted a regulation.

City Prosecutor Kotkin clarified that Assistant City Manager Fuller had executed the regulation per City Manager Ready's authorization.

Tim Erkins stated his concern that the citations and penalties were not enforced, requested the Board bring forward homesharing citations, and questioned the process and administration of the ordinance.

City Prosecutor Kotkin stated he would respond to comments during City Prosecutor's Reports and Comments.

**1. APPEAL HEARINGS:**

- 1A. APPEAL OF THE ADMINISTRATIVE DECISION GREGORY RODRIGUEZ IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 4280 REX COURT: (Gregory Rodriguez)**

**ACTION:** Item withdrawn. No action taken.

- 1B. APPEAL OF THE ADMINISTRATIVE DECISION THAT JEFFREY UPIN IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1035 W. OAKCREST DRIVE: (Jeffrey Upin)**

Vacation Rental Compliance Official Stark presented the background information as noted in the staff report.

The Board requested additional information and clarification.

City Prosecutor Kotkin stated Appellant Upin was unable to attend and provided written testimony, adding the statement was notarized and the Oath of Testimony was signed. The Board reviewed the written statement.

At 9:04 a.m. Chair Reed opened the public testimony.

Mark Owens spoke in favor of upholding the administrative actions.

No others came forth to address the Board, at 9:06 a.m., Chair Reed closed the public testimony.

Board discussion ensued.

**ACTION:**

- 1) Adopt Resolution No. 0018, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE DECISION THAT JEFFREY UPIN IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 1035 W. OAKCREST DRIVE, PALM SPRINGS, CALIFORNIA.
- 2) Adopt Resolution No. 0019, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE

FINE OF \$5,000 ISSUED TO JEFFREY UPIN FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1035 W. OAKCREST DRIVE, PALM SPRINGS, CALIFORNIA.

**On motion by Board Member Kearns, seconded by Vice Chair Howard, and carried by a 3-1-0 majority vote, noting Board Member Cleary voted NO.**

**1C. APPEAL OF THE ADMINISTRATIVE DECISION THAT JONATHAN CLARK BENDER IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1020 E. CHRISTINA WAY: (Jonathan Clark Bender)**

City Prosecutor Kotkin stated Vacation Rental Official Stark formerly worked for a vacation rental firm; however, there is no conflict of interest.

Vacation Rental Official Severin presented the background information as noted in the staff report.

The Board requested additional information and clarification.

Jonathan Clark Bender requested continuing the matter and asked if legal representation was allowed.

***At 9:40 a.m. Chair Reed called for a recess.***

***At 9:53 a.m. Chair Reed reconvened the meeting.***

Mr. Bender requested a continuance.

Vice Chair Howard expressed concern with continuing the matter due to the Board being one member short. City Prosecutor Kotkin also expressed concern that the appellant had indicated his requested continuance was not about the fifth board member, rather the proposed penalty.

Mr. Bender confirmed that the listing had been removed and no further violation was occurring. He agreed to appear at the next scheduled hearing.

Board discussion ensued.

**ACTION:**

Approve continuance of hearing to 8:30 a.m., Monday August 28, 2017.

**On motion by Chair Reed, seconded by Vice Chair Howard, and carried by a majority (4-0-0) vote.**



- 1D. APPEAL OF THE ADMINISTRATIVE DECISION THAT ANDREW LINSKY IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1019 W. CIELO DRIVE: (Andrew Linsky)**  
**ACTION:** Item withdrawn. No action taken.

**2. OTHER BUSINESS:** None.

**BOARD MEMBER COMMENTS AND REQUESTS:**

Board Member Cleary suggested limiting the hearings to two or three in a morning session and two to three in an afternoon session.

Chair Reed requested confirmation that the Rules of Procedures had been approved. Interim City Clerk Hart confirmed that they were approved and pending finalization.

In response to Chair Reed, City Prosecutor Kotkin provided clarification and additional information on Ordinance No. 1918 and the recently adopted administrative regulations.

Board Member Kearns suggested adding specifics on a continuance. City Prosecutor Kotkin stated it was within the purview of the Board. Chair Reed suggested including it in the Board's procedures. City Prosecutor Kotkin suggested bringing back an amendment to the administrative procedures. Vice Chair Howard suggested the issues of continuance be addressed in the rules of procedure. He suggested the procedure state efforts to make reasonable accommodations occur when convenient for staff, board members, and appellants yet the willingness should not be abused in order to prolong the violation or facilitate abuse. Chair Reed suggested the Board discuss procedures to consider the issue of continuances and notice to appellants regarding submission of documents to the Board. Board Member Cleary suggested also considering the definition of "intent." The Board concurred.

**CITY PROSECUTOR'S REPORTS AND COMMENTS:**

City Prosecutor Kotkin stated staff had filed the report to City Council which would be considered by the Council in September.

- Disposition Reports filings with the City Council pursuant to Palm Springs Municipal Code Section 2.50.110.

Vice Chair Howard asked if the Board or Chair had reviewed the report. City Prosecutor Kotkin stated it was an oversight. Chair Reed requested reviewing the draft report prior to it being filed.

City Prosecutor Kotkin discussed the two matters pulled from the agenda, clarifying that the Board was an adjudicative body and reiterated the importance of credibility.

Chair Reed thanked Staff for accommodating the Board’s request to meet on Friday when City Hall was closed.

**CITY CLERK’S REPORTS AND FUTURE MEETING DATES:**

Interim City Clerk Hart stated there were two hearings for which the appellants had waived the 45 day hearing requirement so they would be delayed until September and November respectively.

**ADJOURNMENT:**

At 10:48 a.m. the Board adjourned to 8:30 a.m., Monday, August 28, 2017.

Respectfully submitted,

Kathleen D. Hart, MMC  
Interim City Clerk

**CERTIFICATION**

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    ) ss.  
CITY OF PALM SPRINGS     )

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, California, hereby certify that the July 28, 2017, MINUTES were approved by the Administrative Appeals Board of the City of Palm Springs at a special meeting held on October 27, 2017, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSAL:

\_\_\_\_\_  
KATHLEEN D. HART, MMC  
Interim City Clerk