



AAB Meeting: 02/08/2018
Item No. 3

ADMINISTRATIVE APPEALS BOARD STAFF REPORT

DATE: FEBRUARY 8, 2018

SUBJECT: APPEAL OF THE ADMINISTRATIVE DECISION THAT GEORGE ROBERT HORNING 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 1154 E RACQUET CLUB ROAD, PALM SPRINGS, CALIFORNIA (Horning)

BY: Vacation Rental Compliance Department

SUMMARY

George Robert Horning has requested an appeal of (1) the permanent ineligibility to operate a Vacation Rental in the City of Palm Springs; and (2) administrative fine of \$5,000.00 for operating unregistered Vacation Rental property located at 1154 E Racquet Club Rd, Palm Springs.

RECOMMENDATION:

- 1) Open the Appeal Hearing and accept public testimony.
- 2) a. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE DECISION THAT GEORGE ROBERT HORNING IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 1154 E RACQUET CLUB ROAD, PALM SPRINGS, CALIFORNIA.
or
b. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **OVERTURNING** THE ADMINISTRATIVE DECISION THAT GEORGE ROBERT HORNING IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 1154 E RACQUET CLUB ROAD, PALM SPRINGS, CALIFORNIA.

- 3) a. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE FINE OF \$5,000.00 ISSUED TO GEORGE ROBERT HORNING FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1154 E RACQUET CLUB ROAD, PALM SPRINGS, CALIFORNIA.
- or
- b. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **OVERTURNING** THE ADMINISTRATIVE FINE OF \$5,000.00 ISSUED TO GEORGE ROBERT HORNING FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1154 E RACQUET CLUB ROAD, PALM SPRINGS, CALIFORNIA.

STAFF ANALYSIS:

The property located at 1154 E Racquet Club Rd, Palm Springs, has not been issued a Vacation Rental Registration Certificate by the City of Palm Springs as of the date of the Administrative Citation on November 14, 2017. Staff has determined that owner has advertised and operated the property as a Vacation Rental. The following Palm Springs Municipal Codes sections are applicable to this matter.

The Palm Springs Municipal Code §5.25.030 Definitions, reads as follows:

"Vacation Rental" means a single-family dwelling, or any portion thereof, utilized for occupancy for dwelling, lodging, or sleeping purposes without the Owner being present for a period of twenty-eight (28) consecutive days or less,..."

Palm Springs Municipal Code §5.25.040(a) reads as follows:

The operation of a Vacation Rental or a Homeshare Interest without a Vacation Rental Registration Certificate is prohibited.

Palm Springs Municipal Code §5.25.090(c) reads as follows in regards to the administrative fines:

(c) Any person who operates a Vacation Rental without a Vacation Registration Certificate, shall be liable to the City for the payment of transient occupancy tax pursuant to the provisions of the Palm Springs Municipal Code Chapter 3.24, including without limitation penalties and interest, payment of an administrative fine in the amount of Five Thousand Dollars (\$5,000.00), and permanent ineligibility to operate a Vacation Rental in the City..."

Operating A Vacation Rental Without A Vacation Rental Registration Certificate – Date of Violation November 11, 2017

Advertisement of the property located at 1154 E Racquet Club Rd, Palm Springs was found on Airbnb.com website as “Mid Century Hideaway” under advertisement number 6645721. The advertisement of the property and inquiry contained the following:

- November 9, 2017 – Inquiry into the dates of Dec.15 to Dec.17 (2 days), host responded as available to book and stated “would love to have you stay for a relaxing visit” and included in the communication information on the lodging tax also known as TOT tax of 11.5%. Page #: 30
- November 10, 2017 – Host followed up with: “Please let me know if you are still interested in this.” Page 32
- Host has 84 reviews, property reviews date back to June 2015 and Owner’s name “George” is mentioned. Page #: 22
- Advertisement states Entire House for rent. Page #: 18

Based on the advertisement information and the inquiry into the property being offered as a Vacation Rental by the host an administrative citation number AB0052 in the amount of \$5,000.00 was issued to George Robert Horning the individual on title for Operating a Vacation Rental Without a Vacation Rental Certificate.

The Administrative Citation was mailed by staff via OnTrac Delivery Service to the mailing address located on the title report.



Boris Stark
Vacation Rental Compliance Official



Suzanne Severin
Vacation Rental Compliance Official

Attachments:

Resolution no. _____ Upholding the Decision – Permanent Ineligibility (Page 5)
Resolution no. _____ Overturning the Decision – Permanent Ineligibility (Page 7)
Resolution no. _____ Upholding the Decision – \$5000.00 (Page 9)
Resolution no. _____ Overturning the Decision – \$5000.00 (Page 11)
Notice of Appeal Hearing (Page 13A)
Administrative Citation Appeal Letter (Page 13)
Administrative Citation AB0052 & Citation Letter (Page 14)
Copy of the Airbnb.com Advertisement 11/11/2017 (Page 16)
Copy of the email booking inquiry 11/9/2017 (Page 30)
Copy of the title report (Page 40)

RESOLUTION NO. ____

A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE ADMINISTRATIVE DECISION THAT GEORGE ROBERT HORNING IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 1154 E RACQUET CLUB ROAD, PALM SPRINGS, CALIFORNIA

WHEREAS, George Robert Horning did not obtain a Short Term Vacation Rental Registration Certificate for the property located at 1154 E Racquet Club Rd, Palm Springs pursuant to Palm Springs Municipal Code Chapter 5.25; and

WHEREAS, the City investigated in detail and located the property with the address of 1154 E Racquet Club Rd, Palm Springs advertising as a Vacation Rental for less than 28 nights, and

WHEREAS, Administrative Citation No. AB0052 Operating a Vacation Rental without a Vacation Rental Registration Certificate, was issued on November 14, 2017, to George Robert Horning for the property located at 1154 E Racquet Club Rd, Palm Springs; and

WHEREAS, George Robert Horning for the property located at 1154 E Racquet Club Rd, Palm Springs, filed an administrative appeal of the Administrative Citation No. AB0052 Operating a Vacation Rental without a Vacation Rental Registration Certificate in the amount of \$5,000.00 for the property located at 1154 E Racquet Club Rd, Palm Springs with the City Clerk and paid the appeal fee; and

WHEREAS, the Administrative Appeals Board opened and conducted a duly noticed Administrative Appeal Hearing on February 8, 2018; and

WHEREAS, the Administrative Appeals Board has carefully reviewed and considered all the evidence presented in connection with said appeal on February 8, 2018.

THE ADMINISTRATIVE APPEALS BOARD HEREBY FINDS, after due consideration given to the relevancy, weight and credibility of testimony and evidence, and based upon a preponderance of the evidence in accordance with the Board's procedures, as follows:

SECTION 1. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The appellant did not present adequate evidence to overturn the administrative decision for the permanently ineligibility to operate a Vacation Rental in

the City of Palm Springs, including the property located at 1154 E Racquet Club Rd, Palm Springs.

SECTION 3. The Administrative Appeals Board upholds the administrative decision that George Robert Horning, is permanently ineligible to operate a Vacation Rental in the City of Palm Springs, including the property located at 1154 E Racquet Club Rd, Palm Springs.

SECTION 4. The Administrative Appeals Board directs the City Clerk to deliver a copy of this Resolution to each party and to file a disposition report with the Palm Springs City Council.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS ADMINISTRATIVE APPEALS BOARD THIS 8th DAY OF FEBRUARY 2018.

JAMES REED
Chair

ATTEST:

ANTHONY J. MEJIA, MMC
City Clerk

CERTIFICATION

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

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, do hereby certify that Resolution No. ____ is a full, true and correct copy, and was duly adopted at a meeting of the Administrative Appeals Board of the City of Palm Springs on the 8th day of February 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

ANTHONY J. MEJIA, MMC
City Clerk

RESOLUTION NO. ____

A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE ADMINISTRATIVE FINE OF \$5,000.00 TO GEORGE ROBERT HORNING FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1154 E RACQUET CLUB ROAD, PALM SPRINGS, CALIFORNIA

WHEREAS, George Robert Horning , did not obtain a Short Term Vacation Rental Registration Certificate for the property located at 1154 E Racquet Club Rd, Palm Springs pursuant to Palm Springs Municipal Code Chapter 5.25; and

WHEREAS, the City investigated in detail and located the property with the address of 1154 E Racquet Club Rd, Palm Springs advertising as a Vacation Rental for less than 28 nights, and

WHEREAS, Administrative Citation No. AB0052 Operating a Vacation Rental without a Vacation Rental Registration Certificate was issued on November 14, 2017, to George Robert Horning for the property located at 1154 E Racquet Club Rd, Palm Springs; and

WHEREAS, George Robert Horning for the property located at 1154 E Racquet Club Rd, Palm Springs, filed an administrative appeal of the Administrative Citation No. AB0052 Operating a Vacation Rental without a Vacation Rental Registration Certificate in the amount of \$5,000.00 for the property located at 1154 E Racquet Club Rd, Palm Springs with the City Clerk and paid the appeal fee; and

WHEREAS, the Administrative Appeals Board opened and conducted a duly noticed Administrative Appeal Hearing on February 8, 2018; and

WHEREAS, the Administrative Appeals Board has carefully reviewed and considered all the evidence presented in connection with said appeal on February 8, 2018.

THE ADMINISTRATIVE APPEALS BOARD HEREBY FINDS, after due consideration given to the relevancy, weight and credibility of testimony and evidence, and based upon a preponderance of the evidence in accordance with the Board's procedures, as follows:

SECTION 1. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The appellant failed to present adequate evidence to overturn the administrative fine of \$5,000.00 for operating a Vacation Rental without a Vacation Rental Registration Certificate located at 1154 E Racquet Club Rd, Palm Springs.

SECTION 3. The Administrative Appeals Board upholds the administrative fine of \$5,000.00 to George Robert Horning for operating a Vacation Rental without a Vacation Registration Certificate at 1154 E Racquet Club Rd, Palm Springs.

SECTION 4. The Administrative Appeals Board directs the City Clerk to deliver a copy of this Resolution to each party and to file a disposition report with the Palm Springs City Council.

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JAMES REED
Chair

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City Clerk

RESOLUTION NO. ____

A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, OVERTURNING THE ADMINISTRATIVE DECISION THAT GEORGE ROBERT HORNING IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 1154 E RACQUET CLUB ROAD, PALM SPRINGS, CALIFORNIA

WHEREAS, George Robert Horning did not obtain a Short Term Vacation Rental Registration Certificate for the property located at 1154 E Racquet Club Rd, Palm Springs pursuant to Palm Springs Municipal Code Chapter 5.25; and

WHEREAS, the City investigated in detail and located the property with the address of 1154 E Racquet Club Rd, Palm Springs advertising as a Vacation Rental for less than 28 nights, and

WHEREAS, Administrative Citation No. AB0052 Operating a Vacation Rental without a Vacation Rental Registration Certificate was issued on November 14, 2017, to George Robert Horning for the property located at 1154 E Racquet Club Rd, Palm Springs; and

WHEREAS, George Robert Horning for the property located at 1154 E Racquet Club Rd, Palm Springs, filed an administrative appeal of the Administrative Citation No. AB0052 Operating a Vacation Rental without a Vacation Rental Registration Certificate in the amount of \$5,000.00 for the property located at 1154 E Racquet Club Rd, Palm Springs with the City Clerk and paid the appeal fee; and

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WHEREAS, the Administrative Appeals Board has carefully reviewed and considered all the evidence presented in connection with said appeal on February 8, 2018.

THE ADMINISTRATIVE APPEALS BOARD HEREBY FINDS, after due consideration given to the relevancy, weight and credibility of testimony and evidence, and based upon a preponderance of the evidence in accordance with the Board's procedures, as follows:

SECTION 1. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The appellant presented adequate evidence to overturn the administrative decision for the permanent ineligibility to operate a Vacation Rental in the

City of Palm Springs, including the property located at 1154 E Racquet Club Rd, Palm Springs.

SECTION 3. The Administrative Appeals Board overturns the administrative decision that George Robert Horning is permanently ineligible to operate a Vacation Rental in the City of Palm Springs, including the property located at 1154 E Racquet Club Rd, Palm Springs.

SECTION 4. The Administrative Appeals Board directs the City Clerk to deliver a copy of this Resolution to each party and to file a disposition report with the Palm Springs City Council.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS ADMINISTRATIVE APPEALS BOARD THIS 8th DAY OF FEBRUARY 2018.

JAMES REED
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RESOLUTION NO. ____

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WHEREAS, George Robert Horning, did not obtain a Short Term Vacation Rental Registration Certificate for the property located at 1154 E Racquet Club Rd, Palm Springs pursuant to Palm Springs Municipal Code Chapter 5.25; and

WHEREAS, the City investigated in detail and located the property with the address of 1154 E Racquet Club Rd, Palm Springs advertising as a Vacation Rental for less than 28 nights, and

WHEREAS, Administrative Citation No. AB0052 Operating a Vacation Rental without a Vacation Rental Registration Certificate was issued on November 14, 2017, to George Robert Horning for the property located at 1154 E Racquet Club Rd, Palm Springs; and

WHEREAS, George Robert Horning for the property located at 1154 E Racquet Club Rd, Palm Springs, filed an administrative appeal of the Administrative Citation No. AB0052 Operating a Vacation Rental without a Vacation Rental Registration Certificate in the amount of \$5,000.00 for the property located at 1154 E Racquet Club Rd, Palm Springs with the City Clerk and paid the appeal fee; and

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THE ADMINISTRATIVE APPEALS BOARD HEREBY FINDS, after due consideration given to the relevancy, weight and credibility of testimony and evidence, and based upon a preponderance of the evidence in accordance with the Board's procedures, as follows:

SECTION 1. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The appellant presented adequate evidence to overturn the administrative fine of \$5,000.00 for operating a Vacation Rental without a Vacation Rental Registration Certificate located at 1154 E Racquet Club Rd, Palm Springs.

SECTION 3. The Administrative Appeals Board overturns the administrative fine of \$5,000.00 to George Robert Horning for operating a Vacation Rental without a Vacation Rental Registration Certificate at 1154 E Racquet Club Rd, Palm Springs.

SECTION 4. The Administrative Appeals Board directs the City Clerk to deliver a copy of this Resolution to each party and to file a disposition report with the Palm Springs City Council.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS ADMINISTRATIVE APPEALS BOARD THIS 8th DAY OF FEBRUARY 2018.

JAMES REED
Chair

ATTEST:

ANTHONY J. MEJIA, MMC
City Clerk

CERTIFICATION

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NOES:
ABSENT:
ABSTAIN:
RECUSE:

ANTHONY J. MEJIA, MMC
City Clerk

**NOTICE OF ADMINISTRATIVE HEARING
CITY OF PALM SPRINGS, CALIFORNIA**



**BEFORE THE
ADMINISTRATIVE APPEALS BOARD**

TO: George Robert Horning
P.O. Box 187
Topanga, CA 90290

david@hortonesq.com

NOTICE IS HEREBY GIVEN, pursuant to Palm Springs Municipal Code §2.50.080(d), of the Appeal Hearing before the Administrative Appeals Board, on the decision of the Department of Vacation Rental Compliance, *Violation of the Palm Springs Municipal Code 5.25*, with respect to vacation rental operations located at 1154 E. Racquet Club Road.

Hearing Date: Thursday, February 8, 2018
Hearing Time: 3:00 p.m.
Location: Palm Springs City Hall Council Chamber
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

PLEASE NOTE: A minimum of 10 copies of any materials, in which you want to present to the Hearing Board as evidence on your behalf, must be provided to the City Clerk prior to the Hearing.

AFFIDAVIT OF MAILING

State of California)
County of Riverside) ss.
City of Palm Springs)

I, ANTHONY J. MEJIA, City Clerk, of the City of Palm Springs, California, do hereby certify that the Notice of Hearing before the Administrative Appeals Board was emailed and mailed to the parties at the address above, on Monday, January 29, 2018, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.

I declare under penalty of perjury that the foregoing is true and correct.



Anthony J. Mejia, MMC
City Clerk

As a courtesy, this Hearing Notice was emailed to the Owner mentioned above.



RECEIVED
CITY OF PALM SPRINGS
2017 NOV 29 PM 12:22

City of Palm Springs
Department of Vacation Rental Compliance
3200 E. Tahquitz Canyon Way
P. O. BOX 2743, Palm Springs, CA 92263

WRITTEN NOTICE OF APPEAL FORM
For VACATION RENTAL CERTIFICATE SUSPENSION, REVOCATION or DENIAL

If you have received a Suspension, Revocation or Denial Notice of a Vacation Rental Registration Certificate from the City of Palm Springs Vacation Rental Compliance Department, please use this form to request an appeal. *You must include payment of the appeal fee with this form.*

Appellant Name: George Robert Horning

Mailing Address: PO Box 187

City, State, Zip: Topanga, CA 90290

Contact Telephone: 310-418-4451 Fax: _____

Email: david@hortonesq.com

I request an appeal of the Administrative Citation:
Citation Number: AB0052 Date of Citation: 11/11/2017
Vacation Rental Property Address, if applicable: 1154 E Racquet Club Rd.

PLEASE COMPLETE THE FOLLOWING: (You may use as many additional sheets as necessary. Please be detailed; you may also present facts and evidence at the time of the appeal).

- 1) State the specific action being appealed.
Permanent Ineligibility to Operate a Vacation Rental
- 2) Specify the grounds for the appeal.
Lack of Notice, Due Process, Customary Usage and Practice, Unconstitutional Taking, all grounds based upon both federal and state law.
- 3) Specify the relief you are seeking.
Request that property be eligible to operate as a vacation rental upon submitting an Application for Transient Occupancy Registration Permit and being granted the permit.

This completed form must be sent to:

City of Palm Springs
Office of the City Clerk
3200 E. Tahquitz Canyon Way, P. O. Box 2743, Palm Springs, CA 92263

AB0052



CITY OF PALM SPRINGS
Vacation Rental Enforcement
Administrative Citation

DATE 11/11/17 DAY OF WEEK Saturday TIME 11:20 AM
PM

LOCATION OF VIOLATION
1154 E Racquet Club Rd, Palm Springs, CA, 92262

Agent
 Property Owner
 Other

NAME (First, Middle, Last): _____ DL or ID _____
George Robert Horning

ADDRESS CITY STATE ZIP
PO Box 187 Topanga CA 90290

You are being issued an Administrative Citation for the following Code provision(s).

Count	PSMC	Description
1.	<u>5.25.040(a)</u>	<u>Operating a Vacation Rental Without a Vacation Rental Registration Certificate</u>
2.		<u>Violations</u>
3.	<u>5.25.080(c)</u>	<u>Violations</u>

COMPLIANCE ORDER

You are ordered to correct or otherwise remedy this/these violations by: 15 Calendar Days From Mailing Date of Citation

You are further ordered to pay an Administrative Fine as prescribed in the schedule below for each count listed above. Payment must be paid in full by the compliance date to avoid additional penalties. The total CITATION PENALTY due is \$ 5000.00

ADMINISTRATIVE FINE SCHEDULE

First violation – Operating without a Vacation Registration Certificate \$5000.00 and permanent ineligibility to operate

Second violation – Operating without a Vacation Registration Certificate: \$10,000.00

First violation – Advertising without posting TOT/City ID number; operating without a contract; failure to provide contract summary; failure to pay TOT timely: \$2500.00 and 6 month suspension

Second violation – Advertising without posting TOT/City number; operating without a contract; failure to provide contract summary; failure to pay TOT timely: \$5,000.00 and revocation

Other/Description: _____

Pat Clifford VPCD
Name and Dept. of Issuing Enforcement Officer
[Signature]
Signature

11/14/17
Date of Issuance
Type of Service
 Personal
 Mail

**CITY OF PALM SPRINGS
DEPARTMENT OF VACATION RENTAL COMPLIANCE
ADMINISTRATIVE CITATION
IMPORTANT INFORMATION - PLEASE READ
COMPLETELY AND CAREFULLY**

You have been issued an Administrative Citation for violation(s) as indicated on the reverse. **ADDITIONAL VIOLATIONS MAY RESULT IN THE CRIMINAL PROSECUTION AND/OR ADDITIONAL ADMINISTRATIVE FINES.**

HOW TO PAY THE FINE

The amount of fine is indicated on the front of the Administrative Citation. The fine must be paid within fifteen (15) calendar days from the date the citation is mailed. Payment can be made by credit/debit card on-line at www.CitationProcessingCenter.com or by calling 1-800-969-6158. Payments are also accepted in the form of a cashier's check, personal check, or money order payable to the City of Palm Springs. Payment of the fine does not excuse or discharge any responsibility and legal consequences for continuation or reported occurrences of the violation(s). Write the citation number on the check/money order, and mail it to the address below. **(DO NOT send your payment to the City of Palm Springs Offices.)**

City of Palm Springs Administrative Citation Program
P.O. Box 7275
Newport Beach, CA 92658-7275

HOW TO APPEAL THIS CITATION

A responsible party receiving an administrative citation may appeal such citation within fifteen (15) calendar days from the date the citation is mailed. The provisions of Palm Springs Municipal Code Chapter 2.50 will apply to appeals. An appeal must be filed in writing by using the applicable request for appeal form available from the City's website at www.palmspringsca.gov OR www.psvacationrentalcompliance.com. If you choose to appeal this citation, payment of the administrative fine is suspended pending a final decision by the Administrative Appeals Board. However, you must pay the current appeal fee and submit the request for appeal form to the Palm Springs Office of the City Clerk no later than fifteen (15) calendar days from the date the citation is mailed. **PAYMENT OF THE ADMINISTRATIVE FINE MUST BE SENT TO THE CITY'S CITATION PROCESSING CENTER IN NEWPORT BEACH SPECIFIED ABOVE. THE APPEAL FEE AND REQUEST FOR APPEAL FORM MUST BE SENT TO THE PALM SPRINGS OFFICE OF THE CITY CLERK.** For questions, please see the City website listed above or contact the City of Palm Springs Vacation Rental Compliance Department.

FAILURE TO ANSWER OR PAY PENALTY FOR VIOLATION(S)

Failure to pay the penalty or contest the citation within fifteen (15) calendar days may result in additional administrative fines and the recordation of a special lien against your property. In addition, notification may be made to the State of California Franchise Tax Board.

Palm Springs Municipal Code provides for the issuance of administrative citations for Municipal Code Violations. Fines are cumulative and citations may be issued each day the violation exists. Each and every day a violation is unaddressed constitutes a separate and distinct offense and shall be subject to citation.

Additional Enforcement Officer Notes:

ADMINISTRATIVE CITATION- \$5,000.00



City of Palm Springs
Department of Vacation Rental Compliance
3200 E. Tahquitz Canyon Way, PO BOX 2743, Palm Springs, CA 92263
Facsimile: 760-322-8317

Date of Issuance: 11/14/2017

Property Address: 1154 E Racquet Club Rd
Palm Springs, CA, 92262

George Robert Horning
PO Box 187
Topanga, CA, 90290

Subject: Violation of the Palm Springs Municipal Code 5.25.040(a), 5.25.090(c)
Operating a Vacation Rental without a Vacation Rental Registration Certificate

You are hereby notified that a violation of Palm Springs Municipal Code Section 5.25.040(a) has been determined to exist with respect to your ownership and use of the property referenced above. Accordingly, you are receiving this Administrative Citation # AB 0052. Pursuant to Section 5.25.090(c), you are ordered to pay an **administrative fine** in the amount of **five thousand dollars (\$5,000.00)**. Further, you must cease operating and advertising as a **Vacation Rental immediately, and you are permanently ineligible to operate a Vacation Rental in the City.**

Also, pursuant to Section 5.25.090(c), each future violation arising from your continued operation as an unpermitted Vacation Rental will result in an administrative fine in the amount of not less than ten thousand dollars (**\$10,000.00**), and may result in the City of Palm Springs' pursuit of civil and/or criminal remedies against you.

Additional information concerning this violation is reflected below.

As the owner of the property at issue or as the individual or entity responsible for the violation, you are individually responsible for correcting the violation.

YOU HAVE THE RIGHT TO APPEAL THIS CITATION

Payment of this administrative fine must be made within fifteen (15) days from the mailing date of this letter. Should you file an appeal, the appeal and hearing provisions of Palm Springs Municipal Code, Chapter 2.50 will apply. If you choose to appeal this citation, payment of the administrative fine is suspended pending a final decision by the Administrative Appeals Board. However, you must pay the current non-refundable appeal fee of \$764.00 and submit the request for appeal form no later than fifteen (15) days from the mailing date of this letter. Please see the City website at www.psvacationrentalcompliance.com for the appeal form and further instructions. Note: Your administrative fine must be paid to the City's Citation Processing Center in Newport Beach; and **your appeal form and appeal fee must be sent to the Palm Springs, Attention: Office of the City Clerk.**

Since you were operating a Vacation Rental without a Registration Certificate, please be advised that you are responsible for payment of back registration certificate fees and penalties (Resolution No. 23517) and back Transient Occupancy Tax (TOT), penalties and interest (PSMC 3.24).

Should you have any questions regarding this letter, please contact Boris Stark or Suzanne Severin in the Vacation Rental Compliance Department office; at (760) 322-8370 or (760) 322-8372, Monday through Thursday 8am-6pm.

Thank you for your prompt attention to this matter.

Sincerely,

Handwritten signatures of Boris Stark and Suzanne Severin in black ink, positioned above a horizontal line.

Boris Stark/Suzanne Severin
Vacation Rental Compliance Officials

Description of the violations in this matter:

Palm Springs Municipal Code Section 5.25.040(a) prohibits the operation of a Vacation Rental or a Homeshare in the City of Palm Springs without a Vacation Rental Registration Certificate.

Section 5.25.090 (c) provides the fines and penalties for operation of a Vacation Rental in the City of Palm Springs without a Vacation Rental Registration Certificate.

We are aware that the property address above was advertised on Airbnb website # 6645721 on the date of 11/11/2017. We have printed a copy of the advertisement(s) for our records. The City of Palm Springs has not issued a valid Vacation Rental Registration Certificate for this property.

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Search

Share

Save

View Photos

Mid Century Hideaway

Entire house (/s/Palm-Springs--CA) · Palm Springs ★★★★★ 84 reviews

4 guests 2 bedrooms 2 beds 2 baths



George



From **\$310** per night

Check In

mm/dd/yyyy

Check Out

mm/dd/yyyy

Guests

1 guest



Request to Book

You won't be charged yet

 Report this listing

This gorgeous Mid Century Palm Springs home is located in the historic 'Racquet Club Estates' area which is less than 2 miles from downtown Palm Springs. It is close to great restaurants, shopping, nightlife, casinos, hotels, spas and the Tramway

Read more about the space 

Contact host

Amenities

 Pets allowed

 Kitchen

 Internet

 Wireless Internet

Show all amenities 

Always communicate through Airbnb

To protect your payment, never transfer money or communicate outside of the Airbnb website or app.

[Learn more \(/help/article/199\)](/help/article/199)

House Rules

No smoking

No parties or events

Security deposit is \$750

Read all rules 

Cancellations

Strict

Cancel up to 7 days before check in and get a 50% refund (minus service fees).
Cancel within 7 days of your trip and the reservati...[Read more](#)

[View details \(/home/cancellation_policies?guest_fee_policy=grace_period_48_hours#strict\)](/home/cancellation_policies?guest_fee_policy=grace_period_48_hours#strict)

84 Reviews ★★★★★

[Search reviews](#)

Accuracy ★★★★★

Location ★★★★★

Communication



Check In



Cleanliness



Value



(/users/show/10390398)

Kali (/users/show/10390398)

June 2015



George's home was a retreat! My boyfriend and I had the most relaxing and private weekend. George's response time was within an hour for a rental that began that day. His property is entirely private and comfortable beyond expectation. Highly recommended.



(/users/show/17114625)

Thelma (/users/show/17114625)

June 2015



For Starters, We Loved This Place!! My husband and I spent our anniversary weekend at this property and we couldn't have hoped for a better experience. This house is private both indoors and out. George has thought of and provided for everything. I mean everything! From ~ Oh...Read more



(/users/show/21833441)

Andrew (/users/show/21833441)

March 2017



Excellent property with all the amenities you require for a relaxing time in Palm Sorings



(/users/show/25293524)

Wesley (/users/show/25293524)

January 2017



An exceptionally well designed house, I can think of no way to improve it.



(/users/show/21833441)

Andrew (/users/show/21833441)

March 2016



Perfect house in every way.



Jen
February 2016



This is one of those reviews that I don't want to write because it's so positive I fear I will never be able to schedule another visit! George's house is amazing. Totally exceeded expectations. Beautifully decorated in mid-century modern, with contemporary art and objets, coffee ...Read more



Gary (/users/show/25847080)
June 2015



Wow. What a fantastic place. George has great taste. Bret and George were incredibly accommodating/flexible and made it a great trip (at less than 24 hours notice too!). Will definitely be back again!



Hosted by George

(/users/show/4443616)

Topanga, California, United States · Joined in December 2012



(/users
4443616)



84 Reviews

(/users/show/4443616#reviews)



Verified

Interaction with guests

We, and our property managers are available by phone should a need arise during your stay.

Contact host

Response rate: 100%

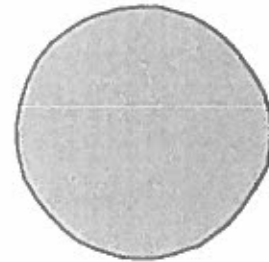
Response time: within an hour



The neighborhood

George's home is located in Palm Springs, (/s/Palm-Springs--CA) California, (/s/California--United-States) United States (/s/United-States).

Public Transit



Directions

([https://maps.google.com/maps?ll=33.85125,-116.534288&z=14&t=m&hl=en&gl=US&](https://maps.google.com/maps?ll=33.85125,-116.534288&z=14&t=m&hl=en&gl=US&mapclient=api_v3)

[mapclient=api_v3](https://maps.google.com/maps?ll=33.85125,-116.534288&z=14&t=m&hl=en&gl=US&mapclient=api_v3))

Report a map error (https://www.google.com/maps/@33.8512504,-116.534288014z/data=!0m1!1e1!12b1?source=api_v3&apsid=api_v3) Map data ©2017 Google

Exact location information is provided after a booking is confirmed.

Similar listings

(/rooms/32694?)



(/rooms/20798531?)



ENTIRE HOUSE · 2 BEDS

The Joshua Tree House

\$250 per night

★★★★★ 262

(/rooms/32694?)

ENTIRE HOUSE · 3 BEDS

Casa Nueva Vista

\$190 per night

NEW

(/rooms/20798531?)

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Beverly Hills (/s/Beverly-Hills--CA)

Big Bear City (/s/Big-Bear-City--CA)

Hermosa Beach (/s/Hermosa-Beach--CA)

Redondo Beach (/s/Redondo-Beach--CA)

Los Angeles (/s/Los-Angeles--CA)

San Diego (/s/San-Diego--CA)

Highlands (/s/Highlands--NC)
Pikesville (/s/Pikesville--MD)

Manhattan Beach

(/s/Manhattan-Beach--CA)

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Jefferson (/s/Jefferson--TX)

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Discover

Hosting

English

United State 

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[Privacy \(/terms/privacy_policy\)](#)

[Trust & Safety \(/trust\)](#)
[Site Map \(/sitemaps\)](#)

[Why Host \(/host/homes?from_footer=1\)](#)
[Responsible Hosting \(/help/responsible-hosting\)](#)

INQUIRY SENT LAST THURSDAY AT 5:51 PM

Hello,

I am looking for good places in Palm Springs to stay for a small family get together the weekend 12/15/17-12/17/17. The guests would be myself, my wife, my brother and my sister in-law. Thanks for the help.

Last Thursday at 5:51 PM



English 

United States 

Airbnb

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(/hospitality)
Responsible Hosting
(/help/responsible-hosting)
Community Center
(/help/community?s=footer)

Yesterday at 8:10 AM



Hello, Nikolai



Thanks so much for your inquiry on my home in Palm Springs! Those dates are available and would love to have you stay for a relaxing visit.

Here is also a few things you should know...

Firstly, the city of PS makes us charge a 'lodging tax' of 11.5% as if we were a hotel. That runs around \$40/night in addition and is billed via (SENSITIVE CONTENTS HIDDEN) usually, and not through Airbnb.

And secondly, the heating of the pool/spa is optional and up to the person renting. That charge is \$50/night, if chosen and also paid via (SENSITIVE CONTENTS HIDDEN).... Wish we did not have to charge this much, but this is what it cost to heat it. Although, if you would just like the spa it only \$25/day

Please let me know if you have any question and that you understand these charges. Thanks again and look forward to hearing back from you.

Last Thursday at 6:53 PM

Service fee \$104.00

Total \$924.00

Please let me know. Thanks. 

Yesterday at 3:47 PM

Always communicate through Airbnb

To protect your payment, never transfer money or communicate outside of the Airbnb website or app.

[Learn more \(/help/article/199\)](/help/article/199)




Oh. Just checked. U have till 5pm today. Pacific time. 



Yesterday at 10:55 AM



Great let me know soon as the reservation will expire soon. 



The property manager lives in Palm Springs so they are close


Yesterday at 10:42 AM

Good Morning, Thank you for the response and the breakdown. I will review the \$924.00 with my brother as he is paying half for it with me. Also with I noticed that the listing stated that interaction during the stay is by phone. Will you or the property managers be at the property during the stay or close by for question/concerns?
Thanks for the help



Yesterday at 10:39 AM



Please let me know if u are still interested in this reservation. Cheers. 



Search



rs/show/4443616



George (/users/show/4443616)

Topanga, CA
4 verifications • 84 reviews
Report

Trip details

Mid Century Hideaway (/rooms/6645721)

Check in > Check out
Fri, Dec 15 Sun, Dec 17

Guests
4 adults

Payment

\$335.00 × 2 nights \$670.00
Cleaning fee \$150.00

Request declined

George's home is unavailable for your trip. Any of your charges or authorizations will be refunded.

Keep Searching
(/s?checkin=12%2F15%2F2017&checkout=12%2F17%2F2017&location=Palm+Springs%2C+CA&multi_messaging=in_qt)



Send Message

INQUIRY DECLINED YESTERDAY AT 7:02 PM



They never responded back to my messages.

Yesterday at 7:02 PM



RE: Inquiry at Mid Century Hideaway for Dec 15 - 17, 2017

5 messages

George (Airbnb) <express@airbnb.com>

Thu, Nov 9, 2017 at 6:53 PM

Reply-To: "George (Airbnb)" <245cgcnx3sv0ualht829w13rj84u@reply.airbnb.com>

To: nikolaidorian@gmail.com

Respond to George by replying directly to this email.



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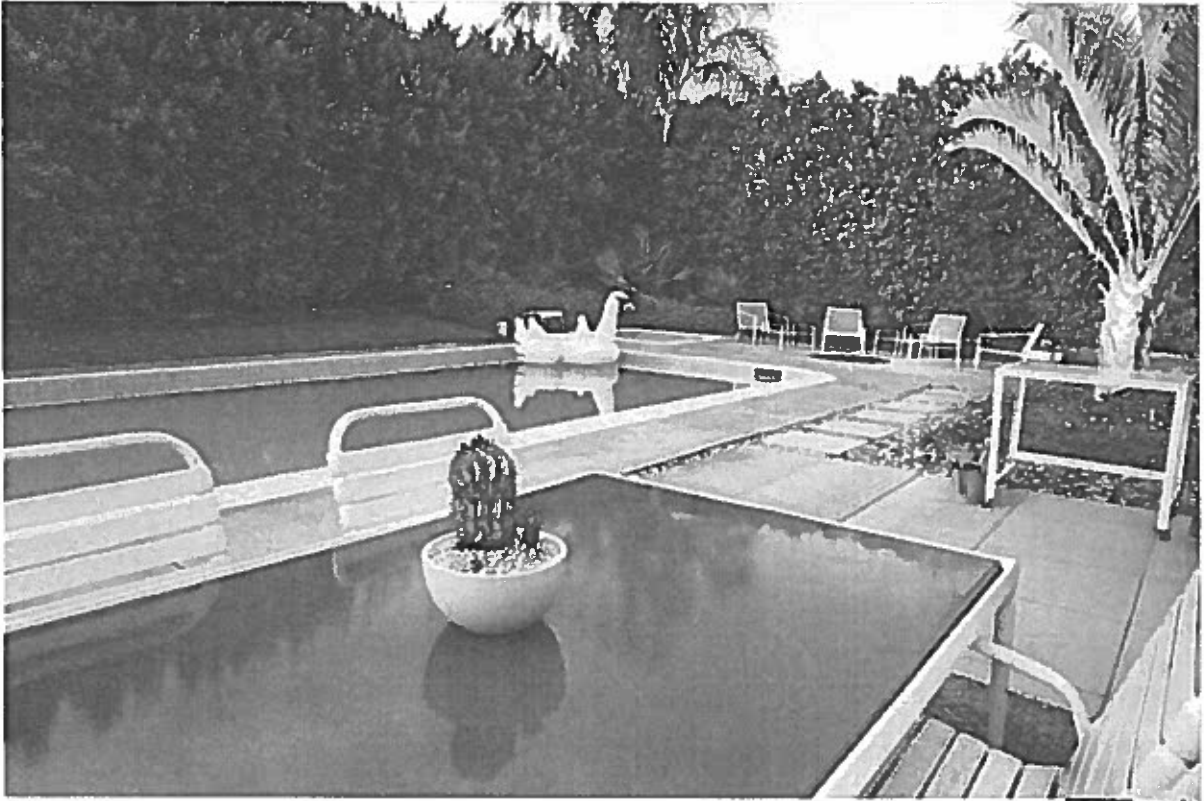
George 



4 Verifications

84 Reviews

Inquiry



Mid Century Hideaway

House - Entire home/apt • 4 Guests • You would pay \$924.00 (will be confirmed once a reservation is made)



Check-in

Fri, December 15, 2017

Checkout

Sun, December 17, 2017

Book it

Reply



Sent with ♥ from Airbnb

[Email preferences](#)

George (Airbnb) <express@airbnb.com>
Reply-To: "George (Airbnb)" <245cgcnx3sv0ualht829w13rj84u@reply.airbnb.com>
To: nikolaidorian@gmail.com

Fri, Nov 10, 2017 at 8:10 AM

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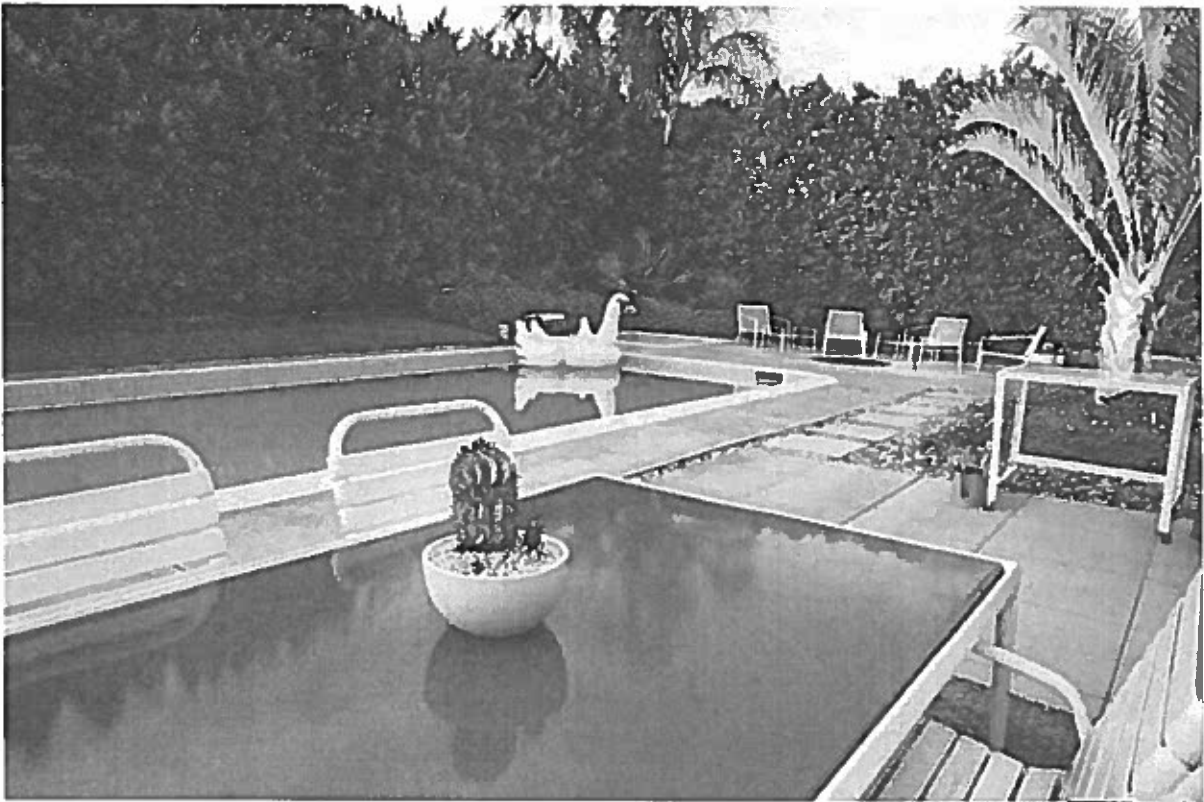


George 

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To: nikolaidorian@gmail.com

Fri, Nov 10, 2017 at 10:42 AM

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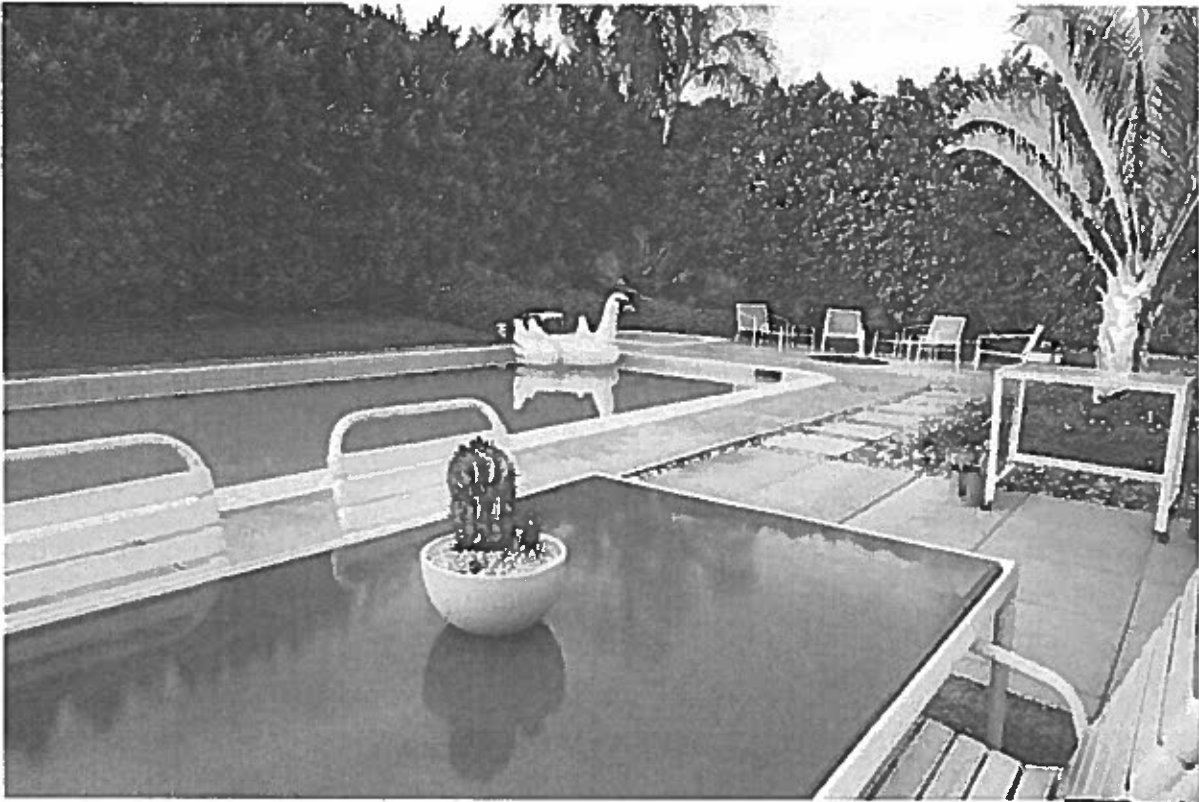


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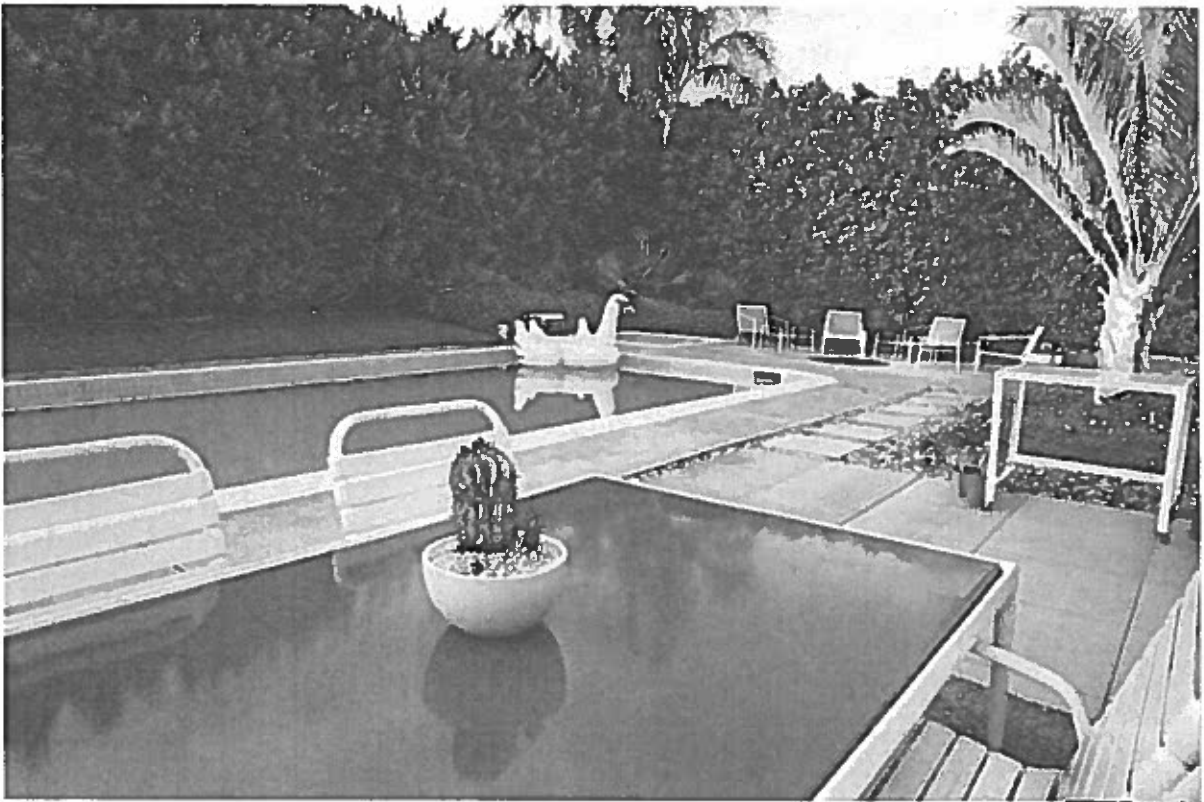


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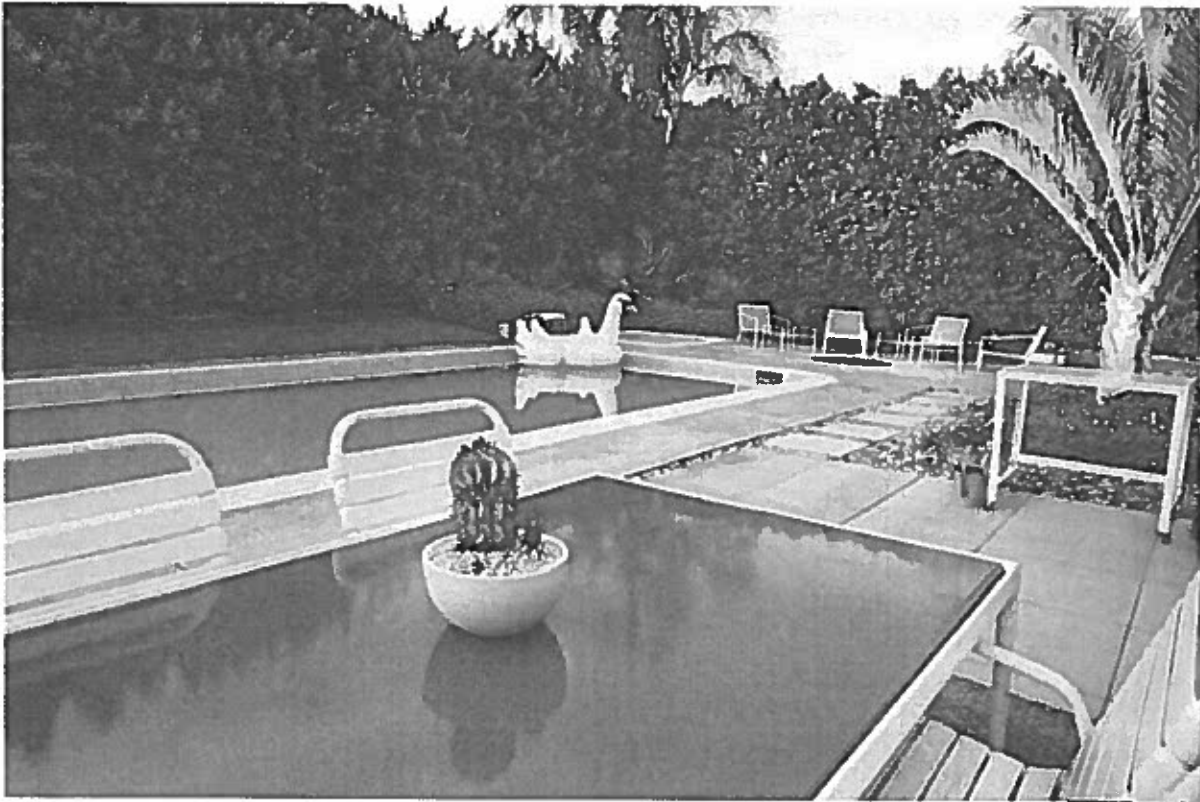


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Check-in

Fri, December 15, 2017



Checkout

Sun, December 17, 2017



Book it

Reply



Sent with ♥ from Airbnb

[Email preferences](#)

Property Detail Report for:



1154 E RACQUET CLUB RD, PALM SPRINGS, CA, 92262-2314

Owner Information:

Owner Name: **HORNING, GEORGE ROBERT**
 Mailing Address: **PO BOX 187, TOPANGA, CA, 90290-0187**
 Vesting Code: **SINGLE/UNMARRIED MAN** Phone Number:

Location Information:

Legal Description: **LOT 21 MB 040/048 RACQUET CLUB ROAD ESTATES 6**
 County: **RIVERSIDE** FIPS Code: **06065** Census Trct/Blk: **941300 / 1**
 APN: **501-082-021** Alternative APN: Map Ref: **C5-756**
 Twshp-Rnge-Sect: **--** Legal Book/Page: Tract No:
 Legal Lot: **21** Legal Block:
 Subdivison: **RACQUET CLUB ROAD ESTATES #6**

Last Market Sale Information:

Sale Date: **3/20/2015** Sale Price: **\$571,000** 1st Mtg Amount: **\$417,000**
 Sale Doc No: **2015-0111972** Price Per SqFt: **\$466** 1st Mtg Int Type:
 Transfer Doc No: Price Per Acre: **\$2,196,154** 2nd Mtg Amount: **\$**
 1st Mtg Doc No: **2015-0111973** 2nd Mtg Int Type:
 Sale Type: **FULL AMOUNT COMPUTED**
 Deed Type: **GRANT DEED/DEED OF TRUST**
 Title Company: **ORANGE COAST TITLE CO**
 Lender: **NEW AMERICAN FUNDING**
 Seller Name: **BOLES, STANLEY G; KAHLE, WENDY**

Property Characteristics:

Building Area: **1,225** Total Rooms: Construction:
 Living Area: **1,225** Bedrooms: **3** Heat Type: **CENTRAL**
 Garage Area: Baths: **2** Air Cond: **CENTRAL**
 Basement Area: Fireplace: Roof Type:
 Parking Type: No of Stories: **1** Roof Material: **GRAVEL/ROCK**
 Yr Built/Effective: **1960 /** Quality: Style:
 Pool Code:

Tax and Value Information:

Assessed Value: **\$591,300** Assessed Year: **2017** Est Market Val: **\$467,000**
 Land Value: **\$177,390** Property Tax: **\$7,577** Assessor Appd Val:
 Improvement Value: **\$413,910** Improvement %: **70** Tax Exemption: **CA HOMEOWNER**

Site Information:

Assessor Acres: **0.26** Zoning: **R1C** Land Use Code: **163**
 Assessor Lot SqFt: **11,325** No of Buildings: Land Use Desc: **SFR**
 Lot W/D: **/** Res/Comm Units: County Use Code: **R1**
 Calculated Acres: **0.2797** Sewer Type:
 Calculated Lot SqFt: **12,184** Water Type:



