

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Palm Springs Courthouse
3255 E. Tahquitz Canyon Way, Palm Springs, CA 92262
www.riverside.courts.ca.gov

Case Number: CVPS2302852

Case Name: TKECK DEVELOPMENT LLC vs CITY OF RANCHO MIRAGE

TKECK DEVELOPMENT LLC
1804 GARNET AVE
#668
SAN DIEGO, CA 92109

RECEIVED
2023 JUN 30 PM 4:51
CITY OF RANCHO MIRAGE
OFFICE OF THE CITY CLERK

NOTICE OF HEARING



Notice is hereby given that a Hearing on Appeal of Administrative Fine or Penalty is scheduled on this case as follows:

Hearing Date	Hearing Time	Department
07/28/2023	8:30 AM	Department PS4
Location of Hearing: 3255 E. Tahquitz Canyon Way, Palm Springs, CA 92262		

Remote Appearance at Hearing: The court **strongly encourages** parties and counsel to appear remotely for non-evidentiary hearings in civil cases. Pursuant to local rule 3132, persons intending to appear remotely shall notify all opposing parties of their intention to appear remotely before the hearing. Notice may be given informally, including by telephone, email, or text message. To appear remotely, on the day of the hearing, either use your computer, mobile device, or dial (833) 568-8864 (toll free) or (669) 254-5252, when prompted enter:

Meeting ID: 161-650-1311 #
Access Code: Press the # key (no number after the #)

Please MUTE your phone until your case is called, and it is your turn to speak. It is important to note that you must call twenty (20) minutes prior to the scheduled hearing time to check in or there may be a delay in your case being heard.

	Interpreter services are available upon request. If you need an interpreter, please complete and submit the online Interpreter Request Form (https://riverside.courts.ca.gov/Divisions/InterpreterInfo/ri-in007.pdf) or contact the clerk's office and verbally request an interpreter. All requests must be made in advance with as much notice as possible, and prior to the hearing date in order to secure an interpreter.
	Assistive listening systems, computer-assisted real time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the Office of the ADA Coordinator by calling (951) 777-3023 or TDD (951) 777-3769 between 8:00 am and 4:30 pm or by emailing ADA@riverside.courts.ca.gov to request an accommodation. A <i>Request for Accommodations by Persons With Disabilities and Order</i> (form MC-410) must be submitted when requesting an accommodation. (Civil Code section 54.8.)

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing Notice of Hearing on this date, by depositing said copy as stated above.

Dated: 06/15/2023

JASON B. GALKIN,
Court Executive Officer/Clerk of the Court

by:



R. Jimenez, Deputy Clerk

JUN 15 2023

R. Jimenez

1 TRECK DEVELOPMENT LLC
2 1804 GARNET AVE #668
3 SAN DIEGO CA 92109

4 SUPERIOR COURT OF THE STATE OF CALIFORNIA,
5 COUNTY OF RIVERSIDE, DESERT BRANCH

6
7 CITY OF RANCHO MIRAGE
8 Plaintiff,

Case No.:

9 vs.

10 TRECK DEV LLC
11 Defendant

APPEAL OF ADMINISTRATIVE
DECISION

12 TRECK DEV LLC IS CHARGED WITH
13 CITATION RMAC18754 BY THE CITY OF RANCHO
14 MIRAGE. CITY OF RANCHO MIRAGE CASE NUMBER
15 IS CE230137.

16 TRECK DEV, AKA TRECK DEVELOPMENT LLC
17 IS APPEALING THIS ACTION. APPEAL OF ADMINISTRATIVE DECISION

18 TRECK DEV LLC DOES NOT OPERATE A
19 SHORT TERM RENTAL, NOR ADVERTISE A SHORT
20 TERM RENTAL. CITY OF RANCHO MIRAGE STATES
21 A SHORT TERM RENTAL IS RENTAL OF LESS
22 THAN 28 DAYS. TRECK DEVELOPMENT LLC HAS
23 COMPLIED WITH THAT REQUIREMENT. PLEASE SEE
24 EXHIBIT A, SHOWING AIRBNB WEBSITE STATING
25 TRECK DEV LLC MINIMUM STAY AT 28 DAYS.

26 OFFICER NITAO OF THE CITY OF RANCHO
27 MIRAGE STATES THAT APPEALANTS WERE OPERATING
28 A STR IN VIOLATION OF RMMC SECTION 17.30.270B

1 TRUCK DEVELOPMENT, LLC IS CLEARLY
2 NOT OPERATING, NOR ADVERTISING AN
3 STR IN THE CITY OF RANCHO MIRAGE.
4 THE WEBSITE OFFICER NITAO REFERS TO IS
5 AIRBNB. IN 2023, AIRBNB HAS MADE
6 MODIFICATIONS AND REVISIONS TO THEIR
7 WEBSITE, THOSE MODIFICATIONS AND REVISIONS
8 IN SOME CASES ~~WAS~~ HAS CHANGED
9 INFORMATION ON RENTAL PROPERTIES
10 WITHIN THEIR SITE, AS STATED ONLINE,
11 AIRBNB'S PARAMETERS FOR AVAILABILITY
12 WINDOWS, ADVANCE NOTICE, AND CUSTOM
13 CRIT LEAVES HAVE CHANGED IN 2023.
14 MANY OF THOSE CHANGES WERE
15 MADE WITHOUT THE APPLICANT'S CONSENT
16 OR KNOWLEDGE. WITH THAT, OFFICER
17 NITAO MAY HAVE FOUND A RENTABLE PERIOD
18 ON AIRBNB. THE PROPERTY WAS NOT
19 AVAILABLE FOR RENT, PERIOD. OFFICER
20 NITAO WAS COMMUNICATING WITH THE
21 AIRBNB COMPUTER, NOT TRUCK DEV LLC.
22 THE ADVERTISEMENT CLEARLY STATES A
23 28 DAY MINIMUM, PER RMMC STR
24 REGULATIONS, IF YOU VISIT THE PROPERTY
25 ONLINE, YOU CAN CLEARLY SEE THE
26 28 DAY MINIMUM.

27 CONCLUSION

28 BASED ON THE FOREGOING, TRUCK

1 DEVELOPMENT LLC RESPECTFULLY REQUESTS
2 THAT THE CITATION FOR THE VIOLATION
3 BE DISMISSED, AND THE DISPUTED FINE
4 FOR THE VIOLATION, TOTALING \$5000, BE
5 DROPPED,
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RESULT OF
ADMINISTRATIVE HEARING

DTQ0530B *** 4000000004 4/1 54345855



TKECK DEV LLC
1804 GARNET AVE SUITE 668
SAN DIEGO CA 92109-3352

Mailing Date: 5/31/2023

Balance Due: \$5,000.00

Citation: RMAC18754

Citation Date: 4/6/2023

Case Number: CE230137

Results:

Violation	Disposition	Adjudication Comments
17.30.270B :ADVERTISING SHORT TERM RENTAL	Upheld	

Thank you for your recent request for an Administrative Hearing.

The Hearing Examiner has conducted a hearing and the circumstances regarding the issuance of your citation have been carefully reviewed and considered and the results are shown above.

Zoom hearing held. Present from the City was CE Ofc Nitao, along with the ACA Lisa Weaver. Also present was the Appellant, Tim Keckeises and his wife, Debbie. Ofc Nitao testified that on 4-6-23 he was reviewing various listings on AirBnB for STVR's within the City. He located the Appellant's property listed as a STVR. The ad showed the property was available for a minimum 13 nights stay. It also listed a Permit # 21131. This permit was expired as of 12-31-20. He also used the calendar section of the ad and was able to select dates with a 3 night minimum stay. Based on his investigation the property was in viol of the Muni Code as it pertained to advertising the property for a STR. Ofc Nitao also indicated the Appellant had previously been cited for the same viol on 5-27-21. He also indicated that he re-visited the ad on 4-17-23 and it now showed the minimum stay was listed 28 nights. Appellant testified that he (and) his wife do have the property listed on AirBnB. Appellant is aware of the change in City policy which no longer allowed STVRs. Appellant said that they do not rent for less then 28 night stays. If they get any inquires as to stays less then 28 nights, they refuse those request and do not rent the property. Appellant said that the issue is with AirBnB platform which he has no control over the actual settings. I asked if he changed the minimum night stay after receiving the citation. He said he did not and does not know how it was changed. Again, he said they do not an have not rented for less then 28 nights since the City banned that practice. C.A. Weaver confirmed with Appellant that he and his wife have control over the ad on AirBnB. She also pointed out that the Municipal Code does state that ``advertising`` for less then 28 nights is a violation no matter if the property is actually rented or not. Based on the evidence presented, the property was advertised for rent for less then 28 nights as a STR property. Again even if Appellant gets inquires and turns them down for any STR stays the violation is still occurring based on the advertisement alone. Citation was properly issued and is UPHELD. Violator must respond by 6/10/2023.

It has been determined that the action of the Officer was appropriate and the circumstances presented failed to establish sufficient cause for the dismissal of this citation. This decision is final. If you wish to appeal further, please follow the instructions below.

If this letter shows a balance due, and you have not submitted payment, submit payment in full at www.CitationProcessingCenter.com or call (800) 969-6158.

If you wish to contest this decision, you must do so by contacting the Court within your jurisdiction and filing the appeal within 20 days of the date stamped at the top of this document. Should the results of the Administrative Hearing

Trip length

Minimum stay

[Edit](#)

28 nights

Maximum stay

[Edit](#)

90 nights

Custom trip lengths

[Edit](#)

None

Calendar availability

Advance notice

[Edit](#)

At least 1 day's notice

Preparation time

[Edit](#)

None

Availability window

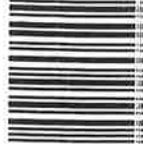
[Edit](#)

12 months in advance



9589 0710 5270 0666 7001 43

U.S. POSTAGE PAID
FCM LETTER
SAN DIEGO, CA
92109
JUN 20, 23
AMOUNT
\$5.02
R2304H109734-89



92270



RDC 99



*CITY OF RANCHO MIRAGE
69-825 HIGHWAY 111
SUITE A
RANCHO MIRAGE, CA 92270*

9589 0710 5270 0666 7001 43

