



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final - Final

### Code Compliance Hearing

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Wednesday, November 28, 2018

1:30 PM

City Hall

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**ADA Assistance:** It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

**ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.**

**Call Meeting to Order**

**Code Violations**

1

**Case # 18-280**

Robert Janicki  
1205 11th Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-262 Request for inspection  
FBC P2503.1 Inspections  
FBC 1612.4 Flood Hazard Construction  
Sec. 18-117 Acts declared unlawful  
Officer Bonnita Badgett  
Certified Service: 5-18-2018  
Initial Hearing: 5-30-2018

**Continuance granted to 19 Dec 2018 for compliance**

**Count 1:** Building, electrical and plumbing work being done without the benefit of a permits. **Count 2:** Failure to request electrical inspection for work being done without the benefit of a permit. **Count 3:** Failure to request plumbing inspections for work being done without the benefit of a permit. **Count 4:**The new rear room in the main house, the tiki hut and shed shall comply to the ordinance for structures located in the flood hazard areas. **Count 5:** Cease using an unlicensed contractor.

**The Special Magistrate granted the request to continue this case to 19 Dec 2018 for compliance.**

2

**Case # 18-996**

Patricia Eables  
Joseph Crehan  
313 Catherine Street 3  
Sec. 74-206 Owner Responsibility  
Officer Bonnita Badgett  
Certified Mail: 10-30-2018  
Initial Hearing: 11-25-2018

**Continuance granted to 19 Dec 2018**

**Count 1:** Past due sewer, solid waste and storm water bills.

**The Special Magistrate granted the request to continue this case to 19 Dec 2018**

3

**Case # 18-1736**

Leo R. Rivas Jr  
Eugenia R. Rivas  
3250 Duck Avenue  
Sec. 58-61 Determination and levy of charge  
Officer Bonnita Badgett  
Certified Mail: 11-8-2018  
Initial Hearing: 11-28-2018

**Continuance granted to 19 Dec 2018**

**Count 1:** Past due sewer, solid waste and storm water bill.

**The Special Magistrate granted the request to continue this case to 19 Dec 2018.**

4

**Case # 18-357**

Bob Sunderman  
922 Catherine Street  
Sec. 110-292 Failure to achieve a compliance agreement  
Officer Wherden Charles  
Certified Service:  
Initial Hearing: 4-25-2018

**In compliance 21 Nov 2018; Pending fine**

**Count 1:** For failure to come into compliance with the signed settlement agreement for violations Sec. 110-256 and 110-321. The payment of \$500 and the planting of one coconut palm 8' tall has not been met.

**The case came into compliance on 21 Nov 2018 and there are pending fines. Mr. Ramsingh stated we could bring this back on the appropriate time for a lien if not paid.**

5

**Case # 18-1939**

Kimberly Parker

3314 Northside Drive 13

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business

Officer Wherden Charles

Posted: 11-18-2018

Initial Hearing: 11-28-2018

**In compliance 21 Nov 2018; request dismissal**

**Count 1:** The business tax receipt needs to be updated to reflect the second non-transient unit.

The Special Magistrate granted the request to dismiss this case

6

**Case # 18-613**

Jana Ruzickova

1617 Bahama Drive

Sec. 14-37 Building Permits

Sec. 90-363 Certificate of Occupancy

Sec. 14-261 Failure to obtain

Sec. 14-262 Request for inspection

Officer Sophia Doctoche

Certified Mail: 10-23-2018

Initial Hearing: 11-28-2018

**New Case**

**Count 1:** Construction of a shed in the rear of the property without the benefit of required building permits. **Count 2:** Construction of a shed into a guest unit. **Count 3:** Failure to obtain an electrical permit for work performed. **Count 4:** Request for inspection for electrical work performed is required after permit is obtained.

Marie Ruzickova (owner) attended. Officer Sophia Doctoche attended for the City give testimony and they have obtained the permit as of today and is asking for more time. Ms. Ruzickova stated she would like 60 days. The Special Magistrate asked if she wanted to 30 Jan 2019 and Ms. Ruzickova said yes. Officer Doctoche stated city would like a finding of the violation. The Special Magistrate asked if Ms. Ruzickova had an objection and she stated it depends on how much it is. The Special Magistrate asked Ms. Ruzickova if they constructed a shed without a permit. Ms. Ruzickova stated the shed was there and they added a piece to it. The Special Magistrate finds that there is a violation with \$250 in cost and continued to 30 Jan 2019 for compliance by the 29 Jan 2019.

7

**Case # 18-849**

Child Life Society

Chaim A. Wolkenfeld

1000 17th Street

Sec. 110-292 Failure to achieve a compliance agreement

Officer Sophia Doctoche

Posted: 7-5-2018

Initial Hearing: 7-25-2018

**In compliance 02 Nov 2018; Request dismissal**

**Count 1:** Failure to achieve compliance regarding a settlement agreement with Karen Demaria of Urban Forestry.

The Special Magistrate granted the request to dismiss this case.

8

**Case # 18-927**

RCJB Properties Inc.

3402 Eagle Avenue

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions

Officer Sophia Doctoche

Certified Service: 7-28-2018

Initial Hearing: 9-26-2018

**Continued from 31 Oct 2018**

**Count 1:** Failure to obtain permits for installation of a new door, windows and stucco on the house.

Richard Barthelemu attended. Officer Sophia Doctoche attended for the City and gave testimony that a Stop Work Order for a new door, windows and stucco was placed. Permits have been submitted and it is in simultaneous plans review. Mr. Barthelemu stated they are in the permit process and have had some delays. He believes he submitted the final things needed. Officer Doctoche stated the city has no problem with a continuance but would like a Finding of the violation. The Special Magistrate asked Mr. Barthelemu how long he needed and he stated 60 days to play it safe. The Special Magistrate stated he finds there is a violation with \$250 in cost and \$250 per day fine with compliance on 29 Jan 2019. The code hearing is 30 Jan 2019

9

**Case # 18-1009**

Edward J Mccallum III

Sharon S Mccallum

2617 Staples Avenue

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions

Sec. 14-262 Request for inspection

Officer Sophia Doctoche

Posted: 10-29-2018

Initial Hearing: 11-28-2018

**Continuance granted to 19 Dec 2018**

**Count 1:** Replacement of a roof without the benefit of building permit.

**Count 2:** Failure to obtain a final inspection.

**The Special Magistrate granted the request to continue this case to 19 Dec 2018.**

10

**Case # 18-1064**

Heron House Court

Marsh Enterprises of SW Florida Inc

412 Frances Street

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions

Officer Sophia Doctoche

Certified Service: 8-21-2018

Initial Hearing: 9-26-18

**Continued from 31 Oct 2018****Count 1:** Failure to obtain a building permit for putting in a new fence.

Jonathan Owens (manager of Heron House) attended for the respondent. Officer Sophia Doctoche attended for the City and gave testimony about the case stating that she observed a new fence constructed without a permit. A permit has not been applied for as of today. Mr. Owens gave testimony stated that this is a new owner and they have been trying to get everything together for the permit. The only thing they need is a letter from the neighbor for permission as he is not in town. They have tried to get one and have not gotten it as of yet as he does not live at this house. Officer Doctoche would like a finding today and is okay with a 30 days compliance. The Special Magistrate stated that the respondent admitted that the fence is there because they are trying to get all the permitting in place. The Special Magistrate finds that there is a violation with \$250 costs and will give them to 29 Jan 2019 to get finished. The hearing will be 30 Jan 2019.

11

**Case # 18-1830**

Elias Jefe

1108 Duval Street C

Sec. 102-282 Outdoor display of goods

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business

Officer Sophia Doctoche

Hand Served: 10-31-2018

Initial Hearing: 11-28-2018

**In compliance 7 Nov 2018; Request dismissal**

**Count 1:** Merchandise and racks on the exterior door front are prohibited. **Count 2:** Required to apply for and obtain a business tax receipt for the business.

**The Special Magistrate granted the request to dismiss this case.**



12

**Case # 17-1198**

Harold J Merritt II

Marianne L Csigi

1301 Atlantic Drive

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions - **Dismissed**

Sec. 90-363 Certificate of Occupancy - required - **Dismissed**

Sec. 58-61 Determination and levy of charge - **Dismissed**

Sec. 14-262 Request for inspection - **Dismissed**

FBC 1612.4 &amp; ASCE 24-05 Floor hazard construction

FBC 1612.5; ASCE 24-05 Sec 2.6 Flood venting required

FBC 301.16 Flood hazard

Scott Fraser

Certified Service: 10-23-2017

Initial Hearing: 12-20-2017

**Settlement Agreement**

~~Count 1: For failure to obtain building permits to convert the shed into habitable space. - Dismissed. Count 2: For failure to obtain a Certificate of Occupancy for the shed. - Dismissed. Count 3: For failure to obtain a solid waste account for shed. - Dismissed. Count 4: For failure to obtain an electrical inspection for installing electric in the storage area/habitable space below the house for the window air conditioners. - Dismissed. Count 5: For the construction of habitable space under the elevated home in a flood zone for use other than the permitted uses for storage, parking or access to higher building levels. Count 6: For failure to provide adequate flood venting for a substantially improved residential building located in the AE-8 flood zone. Count 7: Electrical appliances have been installed below the minimum flood safety elevation.~~

The Special Magistrate received a Settlement Agreement which has been duly executed by the respondent and the City Manager. The respondent stipulates to the imposition of the administrative costs of \$250 and a suspended fine of \$750 for a total due of \$250 which was paid on 20 Nov 2018. If the habitable space is not converted to uninhabitable space within 60 days to achieve compliance, the suspended fine of \$750 will be assessed.

13

**Case # 17-716**

Rockwell Property, Inc. - Property Owner

Gregory G. Farrelly - Registered Agent

816 Fleming Street

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions

Officer Leonardo Hernandez

Certified Service: 4-13-2018 - Registered Agent

Certified Service: 4-16-2018 - Property Owner

Initial Hearing: 5-30-2018

**Continued from 26 Sept 2018**

**Count 1:** Addition to the roof with black tar coating poured down that extends to the neighbor's property was erected without the required building permits.

Owen Trepanier attended for the respondent. Officer Leonardo Hernandez attended for the city and gave testimony that initially a variance was required for the permit for the roof and the variance was withdrawn as it is unable to be granted due to the encroachment of the matter in question. Officer Hernandez stated that Mr. Trepanier is at this hearing to ask for a continuance for compliance for this issue. Officer Hernandez would like a Finding of the Violation and will not object to 60 days for compliance. Mr. Trepanier gave testimony that the tar has been removed and there are holes which need a permit to be finished. Mr. Trepanier stated they believe this will be resolved in a short period of time but the permit has not been issued as of yet. The Special Magistrate asked Mr. Trepanier if he has a problem with the finding of the violation. Mr. Trepanier stated he was not really there to represent the property owner but there is a picture of the violation. Officer Hernandez stated he would also like \$250 standard fine if not in compliance by the February hearing. The Special Magistrate granted the request for a finding of the violation with \$250 court cost and \$250 fine with compliance by 26 February 2019 with the hearing on 27 February 2019.

14

**Case # 18-69**

Lam Fong Yin

Tong Yat Hok

2108 Harris Avenue

Sec. 14-37 Building permits; professional plans; display of permits; exceptions; address

~~Sec. 14-261 Failure to obtain~~ - **Dismissed**

Sec. 14-262 Request for inspection

Officer Leonardo Hernandez

Posted: 4-10-2018

Initial Hearing: 4-25-2018

**Administrative fees paid 05 Nov 2018; City request dismissal**

**Count 1:** For failure to obtain building permits for the interior work involving dry wall, ceiling and exterior porch roof coverage. **Count 2:** ~~An electrical permit was obtained but the work performed was not done by that electrical contractor.~~ - Dismissed. **Count 3:** For failure to obtain required electrical inspections.

The Special Magistrate granted the request to dismiss this case.

15

**Case # 18-295**

Renee R Spencer

Fogarty Builders

Christopher Fogarty

1405 12th Street

Sec. 14-261 Failure to obtain - **In Compliance 22 Jun 2018 - Request Dismissal**Sec. 14-325 Permits required - **In Compliance 22 Jun 2018 - Request Dismissal**Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - **In Compliance 22 Jun 2018 - Request****Dismissal**Sec. 14-327 Mechanical inspection - **In Compliance 17 Oct 2018 -****Request Dismissal**

FBC 1612.4 Flood hazard construction

Sec. 14-262 Request for inspection - **In Compliance 27 Nov 2018 -****Request Dismissal**

Officer Leonardo Hernandez

Posted: 10-29-2018

Initial Hearing: 10-31-2018

**Continued from 31 Oct 2018**

**Count 1:** Failure to obtain an electrical permit. **Count 2:** Failure to obtain a mechanical permit. **Count 3:** Failure to obtain required building permits. **Count 4:** Failure to obtain mechanical inspections for permit #18-1721. **Count 5:** Failure to obtain required inspection for Florida Building Code FBC 16512.4. **Count 6:** Failure to obtain required final electrical inspection.

Chris Fogarty attended this hearing. Officer Leonardo Hernandez attended for the city and gave testimony that Mr. Fogarty converted a garage into office space. There were six counts but Mr. Fogarty has been proactive and now there is only one count open for flood hazard inspection. Mr. Fogarty has scheduled the inspection for the end of this week and should be in compliance by the next hearing. Mr. Fogarty stated he should be done by the end of this week as the inspection is scheduled for Friday. Mr. Fogarty agreed for compliance for 18 Dec 2018. Officer Hernandez requested a Finding of the Violation as these permits are after-the-fact and the case has been going on since April. The Special Magistrate asked if Mr. Fogarty has an objection and Mr. Fogarty stated no. The Special Magistrate stated without objection there will be a finding of the violation with \$250 court cost and \$250 fine if not in compliance by 17 Dec 2018. The hearing will be 19 Dec 2018.

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**Case # 18-536**

Brugman Holdings LLC - Owner

Thomas J Sireci, Jr - Registered Agent

10 Hilton Haven Drive C

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions

Officer Leonardo Hernandez

Certified Service: 5-30-2018 - Owner

Certified Service: 5-23-2018 - Registered Agent

Initial Hearing: 6-27-2018

**Continued from 31 Oct 2018**

**Count 1:** Failure to obtain an after-the-fact building permit for interior framing of shed and dock behind shed.

Rick Babbitt, the contractor, appeared for the respondent. Officer Leonardo Hernandez appeared for the City. Officer Hernandez gave testimony stating that Mr. Babbitt is here to ask for more time as they had to submit an application to the US Army Corps. of Engineers. They need this for the building permit approval. The City has no objection to extend the compliance period. The Special Magistrate asked if they have the US Army Corps approval. Mr. Babbitt stated no that they are waiting on the case worker to review the application. Mr. Babbitt is requesting another 60 days. The City does not object to 60 days continuance. The Special Magistrate granted the request for 60 days with the compliance date and hearing for 30 Jan 2018.

17

**Case # 18-1674**

Tb36-Tb38 LLC

Gregory K. Semmel

Mario G. Mendoza III, P.A. - Registered Agent

1075 Duval Street Unit R15-R16

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - **In compliance 2 Nov 2018; Request dismissal**

FBC P2503.1 Inspection Required

Officer Leonardo Hernandez

Certified Mail: 11-01-2018 - Tb36-Tb38 LLC

Certified Mail: 10-22-2018 - Mario G. Mandoza III

Initial Hearing: 11-28-2018

**Continuance granted to 19 Dec 2018**

**Count 1:** Interior renovations, demolition and drywall work being done without the benefit of building permits. **Count 2:** Plumbing inspection required for the after-the-fact plumbing permit obtained 10.16.2018.

**The Special Magistrate granted the request to continue this case to 19 Dec 2018.**

18

**Case # 16-773**

Brittany D Delgado

~~Mark R Delgado Estate~~

2807 Seidenberg Avenue

Sec. 90-363 Certificate of occupancy - Required

Sec. 58-61 Determination and levy of charge

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business

Officer Beau Langford

Certified Service:

~~Posted: 8-10-2017~~

Posted: 7-10-2018

Initial Hearing: 8-30-2017

**Continued from 31 Oct 2018 for compliance**

**Count 1:** Failure to obtain a Certificate of Occupancy for residential unit in the rear of the property. **Count 2:** Failure to have Utilities associated with the residential unit in the rear of the property. **Count 3:** Failure to have a non-transient business tax receipt for the residential unit in the rear of the property.

**Brittany Delgado and Myra Wittenberg (Brittany Delgado's mother) attended this hearing. Officer Langford attended and gave testimony stating that the Planning Department did approve the LUD and at this point there are just the bullet points on the letter that need to be dealt with for complete compliance. Ms. Wittenberg stated they are waiting for the utility calculations which they should receive within 60 days. The Special Magistrate asked if they are asking for a 60 day continuance. The City has no objection to a 60 day continuance. The Special Magistrate granted the request for compliance 29 Jan 2019.**

19

**Case # 16-1570**

Robert Reilly

Nicola Roques

1535 5th Street

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions

FBC 1612.4 Flood Hazard Construction & ASCE 24-05 Unprotected Enclosed Below Design Flood Elevation

Sec. 122-238 Dimensional requirements. Paragraph 6, Section a.

Single-family

Officer Beau Langford

Certified Service: 10-16-2017

Initial Hearing: 11-15-2017

**Continued from 31 Oct 2018 for compliance**

**Count 1:** Construction of a new one room structure and roof structural changes to the original house have been made without the benefit of required permits. **Count 2:** Did install, or installing or allowed to be installed, an inhabitable structure within a FEMA designated AE-8 flood zone, below the minimum required elevation deemed necessary for flood damage prevention. **Count 3:** One room structure is currently being built within the rear setback of the property and possibly on top of a 10' utility easement.

**Robert Reilly attended this hearing. Officer Beau Langford attended for the city and gave testimony that they the permits are in the review process in the Building Department. The Special Magistrate asked if Mr. Reilly is asking for the continuance. Mr. Reilly stated yes and would like 60 days. Officer Langford stated he doesn't object to 60 days. The Special Magistrate granted the continuance to 30 Jan 2019.**



20

**Case # 18-06**

Brian Sharples - Director - **Counts 3 through 20**  
Corporation Service Company - Registered Agent  
D/B/A CSC - Lawyers Inc. - **Counts 3 through 20**

Michael J McMahon - **Counts 1 through 20**

107 Front Street Unit 217

Sec. 18-601 License required - **Irreparable**

Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations

Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations (d) (9)

Officer Beau Langford

Certified Service: 1-12-2018 - Brian Sharples

Certified Service: 1-17-2018 - Corporate Service Company

Certified Service:

Initial Hearing: 2-28-2018

**Continuance granted to 30 Jan 2019**

**Count 1:** During a routine inspection, found a black Cadillac parked in the subjects parking space. Made contact with Frances and Valerie Sirotzki inside the unit. Mrs. Sirotzki forwarded the rental agreement along with all correspondence between the couple, HomeAway and Michael J McMahon. Rental agreement was for 18 nights, dates of 19 Dec 2017 through 6 Jan 2018 for a total of \$21,787.66. **Count 2:** The subject property has not had the requisite fire inspection. Owner has not provided the requisite TDC tax account with Monroe County Tax Collector or DBPR licensing information. There is no medallion for this property. **Counts 3 through 20:** The subject property owner is holding out for transient rental for 18 nights, the date of 19 Dec 2017 through 6 Jan 2018 for a total of \$21,787.66.

**The Special Magistrate granted the request to continue this case to 30 Jan 2019.**

21

**Case # 17-1146**

Jordan James &amp; Sara Key

1309 Newton Street

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - **In compliance 9 Nov 2018; Request dismissal**Sec. 14-40 Permits in historic districts - **In compliance 9 Nov 2018;****Request dismissal**

Sec. 14-262 Request for inspection

Officer Jorge Lopez

Certified Service: 3-26-2018

Initial Hearing: 4-25-2018

**Continued from 31 Oct 2018 for compliance**

**Count 1:** For failure to obtain a mechanical permit to install the A/C condenser on the roof. **Count 2:** For failure to obtain HARC approval for installation of the A/C condenser on the roof. **Count 3:** For failure to obtain an inspection for the A/C condenser.

John Marston represented the respondents. Jorge Lopez represents the City of Key West. Ronald Ramsingh for the City of Key West attorney's office. Mr. Marston gave testimony stating that the contractor for the owner has applied for and has not picked up the permit yet. It will be picked up in the near future once he receives the money. Officer Lopez stated the permit had been printed two weeks ago and this will need an inspection for compliance. Officer Lopez stated he has no objection to a continuance. The Special Magistrate asked Mr. Marston if this would be done in 30 days and Mr. Marston said he did not know. Mr. Marston stated that the owner is sending money to the contractor to pick up the permit but he does not know the schedule for the contractor. Mr. Ramsingh stated that the permit cost is \$75 and that he verified that it has been sitting there waiting to be picked up. The Special Magistrate stated he is going to continue this case to 30 Jan 2019 and they need to move forward with the issue.

22

**Case # 17-1203**

Browning Family Irrevocable Trust

Michael Leo Browning

1300 White Street

Sec. 78-126 Required

Sec. 78-91 Required

Officer Jorge Lopez

Posted: 7-2-2018

Initial Hearing: 6-27-2018

**Continued from 31 Oct 2018**

**Count 1:** Subject business owner has not renewed their vehicle for hire license. **Count 2:** The subject individual has not received their documented permit which is required to operate a passenger vehicle for hire within the city limits.

Michael Browning attended the hearing. Mr. Browning stated that this does not involve the Browning Family Irrevocable Trust but is Michael L Browning as trustee of the Michael Deegan Trust. Mr. Browning stated they are involved in a conveyance of licenses to Karmar. They do not agree with the City's assessment that there is a violation; however, after talking to Carmar they both feel it would easiest to simply comply with what the City is requesting but are unable at this time as Carmar has problems with SBA loans for the business. Mr. Browning is asking for 6 months continuance and if not ready then fine them. Mr. Ramsingh stated the problem that the City is having is that these licenses are still being used illegally as we are getting reports of this continually. They are still getting profits from these licenses and they have been expired now for over a year. He understands there are challenges for not being able to renew them as independent taxicab ordinance but they should have known what the ordinances required and they did it anyway. Now they are in debt with security that they can not bring into compliance but in the mean time they are still using the licenses. If they could at least renew the licenses properly while they sort this out we would have comfort in a long continuance but nothing has changed in this for many months. Mr. Browning stated they are still being operated. Mr. Browning stated the city won't renew the licenses until the vehicles are conveyed into Karamar. Mr. Browning stated he will pay right now if the City will issue the license but they won't until they are conveyed and we can't do that until the SBA gives a release. He stated they have done it this way in the past and have never had a problem until this conveyance. The Special Magistrate wanted to know how they can work without licenses. Mr. Browning stated the City won't renew the licenses. He stated the City wants them to put the vehicles under the entity of Carmar which they are willing to do which they never had to do before. They said they would do it but they have to comply with what the SBA requires on these vehicles. Mr. Browning stated he would pay the transfer fee right now. The Trust owns the licenses. Mr. Ramsingh stated there had never been a problem before but the owner died and the estate sold the licenses to the co-defendant who started hoarding the licenses to become something like a Five 6's and that

is when this problem happened. This had not been ignored by the City for a long period of time. If something happens with one of these vehicles, the first thing the insurance company wants to know if they are compliant with all city ordinances and state statues. When they find out they didn't have a license, whoever is injured will not be covered. The City has a public safety interest in having these licenses renewed. If the Trust comes forward and renews the licenses as they did before, I think we would be in a better position but they can't because they sold it to Carmar. Carmar wants to come forward but they can't because the vehicles are not in their name and they can't be transferred because they are collateral for a loan that we have nothing to do with. Mr. Browning stated they have everything the City requires except for the City's interpretation of this. We are asking for six months to come into compliance and if not tack on \$100 or something. The Special Magistrate asked why didn't someone investigate this before the transfer. Mr. Browning said that he did and he has a witness. The Special Magistrate asked if Carmar did their due diligence. Mr. Browning stated he does not represent Carmar. He stated they have nothing to do with Carmar's other licenses. They are only involved in the Deegan Trust licenses and Kathleen Mirkoft who is the other Trust. The Special Magistrate asked Jeffery Burgess (Chief Licensing Official for the City) if Carmar is the one not renewing the licenses. Mr. Burgess stated they expired July 31, 2017 (4 licenses) and in order to renew the licenses the license holder is suppose to supply a copy of the registration for the vehicle, updated liability insurance and pay \$125 fee. The transfer has complicated the matter. For one thing, these are independent vehicles for hire and they must be in the name of individuals. They can not be in the name of Carmar. Per the ordinance, they have to be in the name of individuals and no individual can own more than one. Because of ADA vehicles they can own two - one of each type. Ms. Scholl, the owner of Carmar, did transfer two vehicles in her name. They started with six and are now down to four. These four can't be transferred into her name or Carmar but the problem that I have from a license perspective is that these expired on July 31, 2017 and per the ordinance I am supposed to void them and put them up for auction for other interested parties if they do not renew by that date. Mr. Browning stated they did not transfer the licenses they leased them out which they had done previously for the last 15 years. The Special Magistrate ask if the Trust is involved anymore. Mr. Burges stated the names on the licenses are Michael Deegan Trust and Kahleen Mirkoft. The Special Magistrate asked is it the City's position that Michael Deegan Trust and Carmar are in violation. Mr. Burgess stated that it is the City's position from a licensing standpoint is that the licenses are delinquent and should have been voided. The Carmar situation is different because of the transfer cannot go through Carmar as they would not be able to put all six vehicles under the name of Carmar. The Speical Magistrate asked is it the City's position that Michael Deegan Trust is in violation because they failed to renew the licenses and don't really care about the transfer and Mr. Burgess stated that is correct. Mr. Browning stated that years' past the licenses were not required to have the vehicles in Deegan and Mirkoft names as they were in the Carmar name. Mr. Ramsingh stated that the City allowed renewal as they were being renewed in the family trust which is not a corporation which we allowed. Now Ms. Scholl bought these licenses which are now a fleet of taxis and wants them all in Carmar. The City did not know she had bought all these licenses. The Special Magistrate stated he will continue this to 19 Dec 2019 and there is going to be a trial. At that time, you can bring in all the evidence that is needed. Mr. Browning stated he will not be town on that date and would like it for January. Mr. Ramsingh said it is fine for January because of

availability but he wanted it on record that if something happens between now and then we have an active code violation case for almost a year if not over a year so as far as liability is concerns we have filed our code violation. The Special Magistrate stated the record will be there and it will be held on 30 January 2019 but that they should try to resolve this before then.

23

**Case # 17-1213**

Erwin Mayer & Didier R Moritz - property owner

1300 15th Court Lot 77

Sec. 90-363 Certificate of Occupancy - required

Sec. 58-61 Determination and levy of charge

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions

Officer Jorge Lopez

Certified Service: 11-16-2017

Initial Hearing: 12-20-2017

**Continuance granted to 19 Dec 2018 for compliance**

**Count 1:** For failure to obtain a certificate of occupancy for the addition that was built. **Count 2:** For failure to pay impact fees related to utilities.

**Count 3:** For failure to obtain building permits for the addition to the trailer and for the installed plumbing.

**The Special Magistrate granted the request to continue this case to 19 Dec 2018.**

24

**Case # 17-1579**

Home Depot U.S.A. Inc.  
Corporation Service Company - Registered Agent  
2811 North Roosevelt Boulevard  
Sec. 26-192 Unreasonably excessive noise prohibited  
Officer Jorge Lopez  
Certified Service: 6-15-2018  
Initial Hearing: 7-25-2018

**Continued from 31 Oct 2018**

**Count 1:** Noise complaint was investigated and the noise emanating from the subject property on 8 Jan 2018 was 83.9 Decibels which exceeds the noise limitation of 77 Decibels. As of this date, the subject property has not scheduled a sound reading to check that the noise level is within the limits set forth by the ordinance.

**Mike Cavey (Home Depot Manager) attended for the respondents. Officer Jorge Lopez attended for the City. Mr. Cavey gave testimony stating that everything is on schedule and they will be taking delivery on 14 Dec 2018 of material and equipment. It will take approximately a week to install. Officer Lopez stated the city has no problem for them to come back in 60 days and be in compliance. The Special Magistrate granted the request for continuance for 60 days to 30 Jan 2019.**

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**Case # 18-46**

Jana Kopkova  
Kukal Vaclav  
3304 Duck Avenue  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Officer Jorge Lopez  
Certified Service: 09-25-2018  
Initial Hearing: 10-31-2018

**Continued from 31 Oct 2018**

**Count 1:** Failure to obtain required permits for the enclosed driveway and new roof.

**The respondent is not present. Officer Jorge Lopez for the City of Key West. Officer Lopez stated the City would like to request 30 days continuance for them to come into compliance. The property owner is waiting for the permit to be printed and then will pick it up. The Special Magistrate stated the respondent is not present and the City is requesting a continuance to 19 Dec 2018 which is granted without objection.**

26

**Case # 18-392**

Silver KW, Inc.  
Alon Croitoru - Registered Agent  
137 Duval Street 141  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-40 Permits in historic districts  
Sec. 114-103 Prohibited signs  
Sec. 2-939 Licenses  
Officer Jorge Lopez  
Certified Service: 6-11-2018  
Initial Hearing: 5-30-2018

**Continuance granted to 30 Jan 2019 for compliance**

**Count 1:** New installation of rolling steel doors on the exterior of the building without the benefit of a permit. **Count 2:** The rolling steel doors and the hanging sign over the sidewalk were installed without the benefit of a certificate of appropriateness. **Count 3:** Multiple prohibited signs on the exterior of the building. **Count 4:** The sign hanging over the sidewalk does not have a revocable license.

The Special Magistrate granted the request to continue this case to 30 Jan 2019.

27

**Case # 18-595**

Curtis A Skomp  
410 Caroline Street  
Sec. 14-40 Permits in historic districts  
Officer Jorge Lopez  
Certified Service: 8-6-2018  
Initial Hearing: 9-26-2018

**Continuance granted to 19 Dec 2018**

**Count 1:** Failure to obtain required HARC permit for approval of signage.

The Special Magistrate granted the request to continue this case to 19 Dec 2018.

28

**Case # 18-673**

John Cameron

Lara Schmidt

620 Thomas Street 178

~~Sec. 14-325 Permit required - Dismissed~~~~Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - Dismissed~~~~Sec. 14-40 Permits in historic districts - Dismissed~~

Sec. 14-262 Request for inspection

Officer Jorge Lopez

Certified Service: 6-28-2018

Initial Hearing: 7-25-2018

**Continued from 31 Oct 2018**

~~Count 1: Installation of the HVAC system without required permit. - Dismissed~~ **Count 2: The HVAC system was installed without required mechanical permit. - Dismissed** ~~Count 3: HVAC system was installed without certificate of appropriateness. - Dismissed~~ **Count 4: HVAC installed without required permits and inspections.**

The respondent was not present. Officer Lopez attended for the City and gave testimony that we do not have a final inspection as of today so they are not in compliance. Officer Lopez is asking for a finding of the violation for the installation of the a/c which is count 4 as all other counts are dismissed. The Special Magistrate stated there is a finding of the violation, there was proper notice with the initial hearing 25 Jul 2018 with good service 28 Jun 2018. The Special Magistrate finds there is a violation with \$250 court costs and \$250 per count per day fine with compliance 17 Dec 2018 with hearing 19 Dec 2018.



29

**Case # 18-675**

Victor & Cynthia Mills  
1202 White Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
~~Sec. 14-325 Permit required - Dismissed~~  
~~Sec. 14-262 Request for inspection - Dismissed~~  
Officer Jorge Lopez  
Certified Service: 6-6-2018  
Initial Hearing: 6-27-2018

**In compliance 27 Nov 2018; Request dismissal**

**Count 1:** Failure to obtain all required permits for drywall work and ceiling work. **Count 2:** ~~Failure to obtain mechanical permits for the HVAC system installation.~~ - Dismissed **Count 3:** ~~Failure to obtain all required inspections.~~ - Dismissed

The Special granted the request to dismiss this case.

30

**Case # 18-1163**

D.L. Porter Construction, Inc.  
C. White Marshall - Registered Agent  
1314 Simonton Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-40 Permits in Historic Districts  
Officer Jorge Lopez  
Certified Mail: 10-16-2018 - G. White Marshall  
Initial Hearing: 11-28-2018

**In compliance 09 Nov 2018; Request dismissal**

**Count 1:** Stucco work being done without the benefit of a building permit. **Count 2:** Stucco work being done without a certificate of appropriateness from HARC.

The Special Magistrate granted the request to dismiss this case.

31

**Case # 18-1177**

Victor & Cynthia Mills

1204 White Street

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions

Officer Jorge Lopez

Certified Service:

Initial Hearing: 9-26-2018

**In compliance 27 Nov 2018; Request dismissal**

**Count 1:** Failure to obtain building permits for drywall work.

**The Special Magistrate granted the request to dismiss this case.**

32

**Case # 18-1178**

Old Town Trolley Tours of Washington, Inc.

Edwin Swift III - Registered Agent

201 Front Street Suite 224

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions

Sec. 14-40 Permits in Historic districts

Officer Jorge Lopez

Certified Mail: 10-23-2018

Initial Hearing: 11-28-2018

**New Case****Count 1:** Directory sign was replaced without benefit of building permit.**Count 2:** Directory sign replaced without the benefit of a certificate of appropriateness.

Christopher Belland and Frank Herrada (FMH Builders) attended this hearing. Officer Jorge Lopez attended for the City and gave testimony. The case involves installing a directory without permits. A notice was given to the owner and at that time the property was changing ownership so the case was started over. The new owner received the notice. Mr. Herrada just submitted the permit. Mr. Herrada gave testimony that they inherited the violation. They are having some issues with the sign and has been communicating with Enid from HARC. They have applied for the permits and are asking for a 60 day extension to get this matter resolved. The City has no objection to the continuance but would like a Finding of the Violation. The Special Magistrate asked if there was an objection. Mr. Herrada said they have an objection as this is a problem that they inherited as the previous owner knew he had the violation so he doesn't feel responsible for this violation. As the new owner, Mr. Herrada stated they are trying to remedy the issue. The Special Magistrate stated he does not feel he has any desecration on that. The Special Magistrate stated he has to find a violation but he will wait on the Finding of the Violation to 30 Jan 2019. This will be continued to 30 Jan 2019.

33

**Case # 18-1667**

Leslie Yates

531 Fleming Street

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions - **In compliance 28 Sept 2018; Request  
dismissal**

Sec. 18-150 Certificate of competency required

Sec. 66-87 Business tax receipt required for all holding out to be  
engaged in business

Officer Jorge Lopez

Hand Served: 10-11-2018

Initial Hearing: 10-31-2018

**New Case**

**Count 1:** Roof work being done with a permit that the contractor's  
insurance had expired. A stop work order was posted. **Count 2:**  
Contractor who received payment for doing the roofing work does not  
have a certificate of competency. **Count 3:** The contractor who  
performed the roof work does not have a City of Key West business tax  
receipt.

Leslie Yates attended. Officer Jorge Lopez attended for the City and gave  
testimony that a roof permit was issued to Dan Ace who went out of business  
and the permit was no longer valid. A Stop Work Order was issued. Mr. Yates  
stated he has pulled permits under Dan Ace over the years. Ron Ramsingh,  
the City Attorney, stated that Mr. Yates is going to admit to the violation with  
\$250 fine and \$250 for two counts suspended for 60 days and if he does not  
commit any new violation in the City of Key West with those counts than they  
will be extinguished and he believes Mr. Yates is in agreement. The Special  
Magistrate asked Mr. Yates if he pleads to the violation and Mr. Yates stated  
yes. The Special Magistrate granted the request for Finding of Violation with  
\$250 costs and \$250 per count for two counts suspended for 60 days. Officer  
Lopez stated it is 60 months with administrative costs and \$250 per count for a  
total of \$500 suspended for 60 months. The Special Magistrate agreed to the 60  
months as stated. The Special Magistrate granted the request for dismissal of  
count 1.

**Mitigations**

**34**

**Case # 17-1283**

Ted J McByrnett Estate  
Joseph Krygier  
1007 Thomas Street

The Special Magistrate denied the request for mitigation as the respondent or their representative did not come to the hearing and give testimony.

**Adjournment**