



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

Code Compliance Hearing

Wednesday, January 30, 2019

1:30 PM

City Hall

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 # 18-1865

Paul Bahan

1301 Newton Street

Sec. 58-31 Container and receptacle requirements

Officer Bonnita Badgett

Posted: 1-15-2019

Initial Hearing: 1-30-2018

In compliance 18 Jan 2019; Request dismissal

Count 1: Failure to remove garbage containers on the city right of way.

The Special Magistrate granted the request to dismiss this case.

2

Case # 18-2134

Old Town Development, LTD

Edwin Swift III

Chris C. Belland

620 Duval Street on Aronovitz Lane

Sec. 26-126 Clearing of property of debris and noxious material required

Sec. 58-34 Unlawful disposal

Officer Bonnita Badgett

Certified Mail:

Initial Hearing: 1-30-2019

In compliance 9 Jan 2019; Request dismissal**Count 1:** Failure to remove household debris from the property. **Count****2:** Failure to dispose of household debris properly**The Special Magistrate granted the request to dismiss this case.**

3

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

In compliance 9 Jan 2019; Request dismissal**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.**The Special Magistrate granted the request to dismiss this case.**

4

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

Continuance granted to 27 Feb 2019 for compliance

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

**The Special Magistrate granted the request to continue this case to 27 Feb 2019
for compliance.**

5

Case # 18-1009

Edward J Mccallum III

Sharon S Mccallum

2617 Staples Avenue

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptionsSec. 14-262 Request for inspection - **Request dismissal**

Officer Sophia Doctoche

Posted: 10-29-2018

Initial Hearing: 11-28-2018

Continued from 19 Dec 2018**Count 1:** Replacement of a roof without the benefit of building permit.**Count 2:** Failure to obtain a final inspection.

Sharon Mccallum attended. Officer Sophia Doctoche gave testimony the roof was built without permits. Ms. Mccallum recently applied for the roof permit last Wednesday and is under review. The Special Magistrate asked Ms. Mccallum if they replaced the roof without a permit. Ms. Mccallum stated yes. She stated it was a small repair and was told that permits had been applied for. This company has since gone out of business and they have been trying to find a contractor to get this done and they did finally found someone. She did not come back into town until December 21, 2018. The Special Magistrate finds there is a violation by Ms. Mccallum's own admission. The City requests a finding of the violation with \$250 per violation if she is not in compliance. The Special Magistrate finds there is a violation with \$250 administrative cost with \$250 per day per count with 60 days for compliance on April 23 for compliance coming back on April 24 for compliance code hearing.

6

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

Continuance granted to 27 Feb 2019 for compliance

Count 1: Failure to obtain a building permit for putting in a new fence.

The Special Magistrate granted the request to continue this case to 27 Feb 2019 for compliance.

7

Case # 18-1963

Mark Morales - **Repeat for Counts 1 & 2**
Julie Moore
1600 Josephine Street
Sec. 18-150 Certificate of competency required
Sec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business
Officer Sophia Doctoche
Posted: 1-8-2019 - Mark Morales
Posted: 1-8-2019 - Julie Moore
Initial Hearing: 12-19-2018

Continuance granted to 27 Feb 2019

Count 1: Doing roof work without the benefit of a certificate of competency. **Count 2:** Failure to obtain a business tax receipt from the City of Key West.

The Special Magistrate granted the request to continue this case to 27 Feb 2019.

8

Case # 18-1969

Gary the Carpenter
Gary Burchfield - Registered Agent
1600 Josephine Street
Sec. 18-117 Acts declared unlawful
Officer Sophia Doctoche
Certified Mail: 11-16-2018
Initial Hearing: 12-19-2018

Continuance granted to 27 Feb 2019

Count 1: Obtaining permits for an unlicensed person to do roofing work.

The Special Magistrate granted the request to continue this case to 27 Feb 2019.

9

Case # 18-1972

Mark Morales - **Repeat for Counts 1 & 2**
Julie Moore
824 Center Street
Sec. 18-150 Certificate of competency required
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Sophia Doctoche
Posted: 1-8-2019 - Mark Morales
Posted: 1-8-2019 - Julie Moore
Initial Hearing: 12-19-2018

Continuance granted to 27 Feb 2019

Count 1: Doing roof work without the benefit of a certificate of competency. **Count 2:** Failure to obtain a business tax receipt from the City of Key West.

The Special Magistrate granted the request to continue this case to 27 Feb 2019.

10

Case # 18-1974

Gary the Carpenter
Gary Burchfield
516 Olivia Street
Sec. 18-117 Acts declared unlawful
Officer Sophia Doctoche
Certified Mail: 11-16-2018
Initial Hearing: 12-19-2018

Continuance granted to 27 Feb 2019

Count 1: Obtaining permits for an unlicensed person to do roofing work.

The Special Magistrate granted the request to continue this case to 27 Feb 2019.

11

Case # 18-1979

Julie Moore
Mark Morales - **Repeat for Counts 1 & 2**
516 Olivia Street
Sec. 18-150 - Certificate of competency required
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Sophia Doctoche
Posted: 1-8-2019 - Julie Moore
Posted: 1-8-2019 - Mark Morales
Initial Hearing: 12-19-2018

Continuance granted to 27 Feb 2019

Count 1: Doing roof work without the benefit of a certificate of competency. **Count 2:** Failure to obtain a business tax receipt from the City of Key West.

The Special Magistrate granted the request to continue this case to 27 Feb 2019.

12

Case # 18-2014

Mark Morales
1118 Petronia Street
Sec. 18-150 Certificate of competency required - **Repeat**
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business - **Repeat**
Officer Sophia Doctoche
Certified Mail: 12-21-2018
Initial Hearing: 12-19-2018

Continuance granted to 27 Feb 2019

Count 1: Holding himself out as a contractor without a current certificate of competency. - **Repeat.** **Count 2:** Failure to obtain a business tax receipt with the City of Key West. - **Repeat.**

The Special Magistrate granted the request to continue this case to 27 Feb 2019.

13

Case # 18-2016

Mark Morales
1120 Petronia Street
Sec. 18-150 Certificate of competency required - **Repeat**
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business. - **Repeat**
Officer Sophia Doctoche
Certified Mail: 12-21-2018
Initial Hearing: 12-19-2018

Continuance granted to 27 Feb 2019

Count 1: Holding himself out as a contractor without the benefit of a certificate of competency. - **Repeat.** **Count 2:** Failure to obtain a business tax receipt with the City of Key West. - **Repeat.**

The Special Magistrate granted the request to continue this case to 27 Feb 2019.

14

Case # 19-67

Mark Morales

Julie Moore

908 Trinity Drive #5

Sec. 18-150 Certificate of competency required - **Repeat Violation for****Mark Morales**Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business - **Repeat Violation for Mark Morales**

Officer Sophia Doctoche

Hand Serviced: 1-19-2019 - Mark Morales

Hand Serviced: 1-19-2019 - Julie Moore

Continuance granted to 27 Feb 2019

Count 1: Holding themselves out as a contractor without the benefit of a certificate of competency. **Count 2:** Failure to obtain a business tax receipt from the City of Key West.

The Special Magistrate granted the request to continue this case to 27 Feb 2019.

15

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 28 Nov 2018

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

Mr. Brugman attended. Officer Hernandez gave testimony about the case including Mr. Brugman still waiting to hear from the Army Corp. of Engineering about his application as this is needed to get the permit from the City. Mr. Brugman stated the permit process is still active and the last response he received from them was in December. Mr. Brugman gave testimony about the dock history. He replaced the dock assuming as he was replacing the dock that was already there he didn't need permits. The Special Magistrate stated because of the Government shut-down, the Corp may have had people on a hiatus as non-essential personnel. The Special Magistrate asked Mr. Brugman if he wanted a one month continuance that he would give it to him but he would have to come back to show he is doing something. Officer Hernandez asked if the City could get a Finding of the Violation today and the Special Magistrate said no. The Special Magistrate wanted to give him a chance to see if he can't get the permit done because of the Government shut-down. This will be continued to February 27, 2019.

16

Case # 18-556

Wendall A. Wall

4 Go Lane

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

Officer Leonard Hernandez

Certified Service: 5-18-2018

Initial Hearing: 6-27-2018

Continued from 31 Oct 2018 for compliance

Count 1: Failure to obtain after-the-fact building permit for fence with required supporting documents provided to the Planning Department and Urban Forestry Manager.

Gregory Oropeza on behalf of the respondent. Officer Leonardo Hernandez gave testimony that they are not in compliance with regard to the building of a fence without a permit. Mr. Oropeza stated they applied for an after-the-fact variance and the Planning Board denied the variance. They revised the plans to work with what is there under the current code. A new permit has been applied for. Mr. Oropeza believes to come into compliance they just need for the permit to be issued so they would request a 30 day continuance to get the permit issued. The City request a 30 day continuance for fines to the next hearing. The Special Magistrate granted the request for continuance of compliance to 26 February with the compliance hearing on 27 February 2019.

17

Cases # 18-1113 & 18-30

Federal National Mortgage Association

2811 Staples Avenue

~~Sec. 90-363 Certificate of occupancy Required~~ **Dismissed**

Sec. 58-61 Determination and levy of charge

FBC P2503.1 Inspections

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptionsSec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business

Officer Leonardo Hernandez

Certified Service: 8-6-2018

Initial Hearing: 8-29-2018

Continued from 19 Dec 2018 for compliance~~Count 1: For failure to obtain a certificate of occupancy for second unit. -~~**Dismissed Count 2:** For failure to obtain utility accounts for secondunit. **Count 3:** For failure to obtain inspections for plumbing work.**Count 4:** For failure to obtain building permits for the kitchen, storage
room, wall siding and ceiling work that was done. **Count 5:** For failure

to obtain required business tax receipt to rent non-transiently.

Mr. Aamir Saeed is representing the respondent. Officer Hernandez gave testimony stating they are not in compliance. The City requests a dismissal of Count 5. The Special Magistrate asked Mr. Saeed if he had any objection and he did not. Mr. Saeed stated that the issue his client is having with correcting the issue is that there are squatters at this location and are protected by tenants with foreclosure act. There is another law firm handling the eviction and they stated the eviction should be completed by the end of February beginning of March. Mr. Saeed asked if any fines can be held until the beginning of March. Mr. Ramsingh on behalf of the City asked if an action for the eviction has been filed with the courts and Mr. Saeed stated no action has been filed. Mr. Ramsingh stated there is a mitigation ordinance where all these matters can be taken into account and certainly the dates that the eviction is filed can be taken into consideration for the mitigation any fines. The City has an objection to any type of continuance. The Special Magistrate finds that they are not in compliance for three counts. The Special Magistrate stated there is a mitigation ordinance and the faster you get this done the more can be mitigated. The Special Magistrate stated the fines will start on February 1st.

18

Case # 18-2079

Collage Beauty

Far Beauty LLC - Business Owner

Raziel Buchris - Title Ambassador

Aviv Shmuel - Registered Agent

211 Duval Company - Property Owner

211 Duval Street A

Sec. 18-415 Restrictions in historic district - **Repeat**

Officer Leonardo Hernandez

Certified Mail: 12-11-2018 - Collage Beauty

Certified Mail: 12-14-2018 - Far Beauty LLC

Certified Mail: 12-14-2018 - Raziel Buchris

Certified Mail: 12-14-2018 - Aviv Shmuel

Certified Mail: 12-14-2018 - 211 Duval Company

Initial Hearing: 1-30-2019

Continuance granted to 27 Mar 2019

Count 1: On area canvas, an employee of Collage Beauty at 211 Duval Street was off premise canvassing. Repeat violation Case #17-1554.

The Special Magistrate granted the request to continue this case to 27 Mar 2019.

19

Case # 16-720

Trevor Cook
Elizabeth Fuller
908 Packer Street
Sec. 62-2 Obstructions
Officer Beau Langford
Certified Service: 6-21-2018
Initial Hearing: 6-27-2018

Continued from 31 Oct 2018 for compliance

Count 1: Fence was built over the property line and will either need to be demolished or a variance applied for.

Richard McChesney on behalf of the property owner. Officer Beau Langford attended for the City. Mr. McChensey stated the planner is placing them on the February City Commission meeting for the easement and as such they will need a continuance for that. Officer Langford stated the City does not have an objection. Ron Ramsingh, City Assistant Attorney, asked if it will need to go to HARC and Officer Langford stated he did not believe so. The Special Magistrate granted the request for continuance to 27 March 2019.

20

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 28 Nov 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.

Mr. Delgado did not attend. Officer Beau Langford attended for the City. The respondent is starting to come into compliance and the city is achieving steps to this. The City is asking to continue this until April 24 for a compliance status check at that time to ensure they are still proceeding forward. The Special Magistrate asked if there is any chance they could be in compliance by then and Officer Langford stated no. The Special Magistrate granted the request for continue this case for compliance status for April 24, 2019.

21

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

In compliance 10 Dec 2018; Request dismissal

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.

The Special Magistrate granted the request to dismiss this case as they came into compliance on 10 Dec 2018.

22

Case # 17-710

AIRBNB, Inc.

Lawyers Incorporating Services 2710

3333 Duck Avenue J204

Sec. 122-1371 D (9) Transient living accommodations in residential dwellings; regulations - Counts 1 thru 7

Officer Beau Langford

Certified Service: 5-16-2017

Initial Hearing: 7-26-2017

Continuance granted to 27 Feb 2019

Counts 1 - 7: During a routine investigation of the online website www.airbnb.com, the subject property was held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 1 June 2017 through 8 June 2017.

The Special Magistrate granted the request to continue this case to 27 Feb 2019.

23

Case # 17-724

AIRBNB, Inc.

Lawyers Incorporating Services 2710

620 Thomas Street 165

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations. D (9) - Counts 1 thru 7

Officer Beau Langford

Certified Service: 5-16-2017

Initial Hearing: 7-26-2017

Continuance granted to 27 Feb 2019

Counts 1 - 7: During routine investigation of the online website www.airbnb.com, the subject property held out for short term rental without benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 11 June 2017 through 18 June 2017.

The Special Magistrate granted the request to continue this case to 27 Feb 2019.

24

Case # 17-745

AIRBNB, Inc.

Lawyers Incorporating Services 2710

714 Thomas Street

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations. D (9) - Counts 1 thru 7

Officer Beau Langford

Certified Service: 5-22-2017

Initial Hearing: 7-26-2017

Continuance granted to 27 Feb 2019

Counts 1-7: During a routine investigation of the online website www.airbnb.com, the subject property held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 1 July 2017 through 8 July 2017 for a total of \$1,638.00.

The Special Magistrate granted the request to continue this case to 27 Feb 2019.

25

Case # 17-746

AIRBNB, Inc. - Registered Agent

Brian Chesky - CP

Lawyers Incorporating Services 2710

1207 Florida Street

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d) (9) - Counts 1 thru 4Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d) (9) - Count 5

Officer Beau Langford

Certified Service: 5-22-2017

Certified Service: 1-5-2018 - Amended Notice of Hearing

Initial Hearing: 7-26-2017

Continuance granted to 27 Feb 2019

AIRBNB, Inc.: Counts 1-4: During a routine investigation of the online website www.airbnb.com, the subject property held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 4 nights for the dates of 1 July 2017 through 5 July 2017 for a total of \$551.00. **Count 5:** For unlawful holding out or advertising of a transient rental by an owner, tenant, broker, realtor, agent or other representative of the owner if the property is not permitted.

The Special Magistrate granted the request to continue this case to 27 Feb 2019.

26

Case # 17-751

AIRBNB, Inc.

Lawyers Incorporating Services 2710

3312 Northside Drive 106

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations. D (9) - Counts 1 thru 7

Officer Beau Langford

Certified Service: 5-22-2017

Initial Hearing: 7-26-2017

Continuance granted to 27 Feb 2019

Counts 1-7: During a routine investigation of the online website www.airbnb.com, the subject property held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 1 June 2017 through 8 June 2017 for a total of \$808.00.

The Special Magistrate granted the request to continue this case to 27 Feb 2019.

27

Case # 17-866

AIRBNB, Inc

Lawyers Inc Service - Registered Agent

721 Georgia Street A

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

Officer Beau Langford

Certified Service: 11-15-2017 Amended Notice

Initial Hearing: 7-26-2017

Continuance granted to 27 Feb 2019

Counts 1-7: The subject property was held out/advertised by the respondent for transient rental for 7 nights the dates of 19 June 2017 through 26 June 2017 for a total of \$834.00

The Special Magistrate granted the request to continue this case to 27 Feb 2019.

28

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 27 Feb 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 27 Feb 2019.

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Case # 18-1038

Brookwood LLC

Dan Marrin

1216 Watson Street

Sec. 18-601 License required - Counts 1-8 - **Repeat Irreparable**Sec. 122-1371 - Counts 9-11 - **Repeat Irreparable**Sec. 122-1371 D (9) - Counts 12-19 - **Repeat Irreparable**

Officer Beau Langford

Certified Mail:

Initial Hearing: 1-30-2019

New Case - Repeat Irreparable Violations

Counts 1-8: Short-term rental from Saturday 11/17/18 to Saturday 11/24/18 without the required business tax receipt issued by the City of Key West. This is a repeat violation: Cases #17-1478 and #14-785.

Counts 9-11: Subject property owner is renting on a short-term basis without the benefit of the required city, county and state licensing. The subject property does not have a transient medallion and has not been inspected by the City of Key West Fire Department. **Counts 12-19:**

Subject property held out for transient rental for 7 nights the dates of 11/17/18 - 11/24/18 for a total of \$5600. This property is listed on VRBO for 1-30 night stay at \$800 per night for a total monthly rental cost of \$24,000 before taxes and fees.

Wayne LaRue Smith on behalf of the respondent. Officer Beau Langford for the City. Mr. Smith is requesting a continuance to the 27 Feb 2019 hearing for a couple of reasons but primarily that Dr. Marrin for health reasons could not be here. He is relatively new to this matter and is working with Mr. Young, Mr. Ramsingh and Mr. Langford to see if they can get this resolved on a negotiated basis and will continue on that effort. In case they aren't successful, they will need to have Dr. Marrin here. The City has no objection. The Special Magistrate stated without objection this will be continued on 27 Feb 2019.

30

Case # 17-1146

Jordan James & 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

Continuance granted to 27 Feb 2019 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.

The Special Magistrate granted the request to continue this case to 27 Feb 2019 for compliance.

31

Case # 17-1203

Michael Deegan Rev Trust
~~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 28 Nov 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.

Gregory Oropeza attended for the Michael Deegan Rev Trust. Officer Jorge Lopez and Ron Ramsingh for the City. Mr. Ramsingh stated he had spoken with Mr. Oropeza today before the hearing. The City would like accomplished today a finding establishing that Deegan Trust has not renewed the four licenses for which they have control over as they have not been renewed. The City is not seeking any costs or fines or compliance date but for the purposes of the ordinance and voiding the licenses the City would like a finding by a neutral arbitrator such as the Special Magistrate making that determination. Mr. Oropeza stated they have no objection but two points of clarification that the City was agreeable to dismiss count 2 and as such this agreement would be for count 1. Mr. Ramsingh agreed. For purposes of the record Mr. Oropeza would like to clarify that there was some confusion in that Michael Browning's name is listed on this and he is the trustee of the trust but aside from that has no involvement. Mr. Ramsingh stated there has been an amendment to the notice. Mr. Oropeza wanted to make sure the Findings reflect that. The Special Magistrate stated he didn't really understand why this needed to be done this way. Mr. Ramsingh stated there is a prevision in the code that states if the licenses are not renewed timely they are voided and put back into the pool for a lottery. The City is in the process of doing this and Mr. Ramsingh would prefer a finding establishing that they have not been renewed which would be attached to licenses from a neutral arbitrator. The Special Magistrate stated he understood. The Special Magistrate finds there is a violation without costs or fines and will dismiss count 2 unless there is an objection. Mr. Oropeza stated there was no objection. The Special Magistrate asked about compliance and Mr. Ramsingh stated there was no compliance here but he wanted it made clear that there are 4 licenses. Mr. Browning was here last and he indicated that he represented Ms. Mayerschoff as well

32

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 27 Feb 2019 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 27 Feb 2019 for compliance. The Special Magistrate asked about this case and Mr. Ramsingh stated that on January 23 there was a motion to withdraw but he wasn't sure who is withdrawing and how this impacts the case

33

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

In compliance 28 Jan 2019; Request dismissal

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.

The Special Magistrate granted the request to dismiss this case. Officer Jorge Lopez stated they built a high wall and it is helping out.

34

Case # 18-241

Theresa Cioffi

Wilmington Trust Company

CT Corporation System - Registered Agent

3222 Riviera Drive

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

Sec. 122-238 Dimensional requirements

Sec. 26-32 Nuisance illustrated - **In compliance 20 Dec 2018;****Request Dismissal**Sec. 26-126 Clearing of property of debris and noxious material required
- **In compliance 20 Dec 2018; Request Dismissal**

Officer Jorge Lopez

Certified Service: 6-15-2018 - Registered Agent

Certified Service: 7-17-2018 - Theresa Cioffi - Amended Notice

Initial Hearing: 5-30-2018

Continued from 31 Oct 2018

Count 1: Observed the roof built in the setbacks and a detached dwelling that the city does not recognize which did not have the required permits and inspections. **Count 2:** The roof is located in the rear side of the subject property in the setbacks. **Count 3:** Observed the pool with stagnant water that is a breeding ground or feeding area for mosquitoes. **Count 4:** Debris located on the driveway of this property which causes a nuisance or other unsightly or unsanitary condition.

ase went before the Special Magistrate on 30 Jan 2019: R. Keith Ustler attended for the respondent Wilmington Trust Company. Officer Jorge Lopez attended for the city and gave testimony. The City request dismissal of Counts 3 and 4. Mr. Ustler did not object. The Special Magistrate granted the request to dismiss counts 3 and 4 at the City's request without objection. Mr. Ustler stated the respondent is requesting a continuance as there is a lengthy history for this in the Circuit Court for foreclosure on this particular property which goes back to 2010. Mr. Ramsingh on behalf of the City stated there is no objection to a continuance. The Special Magistrate asked Mr. Ustler how long and he stated as long as the court will give them as the defendant has filed an appeal in the 3rd DCA with the best estimate of six months for how long it could take. Mr. Ustler stated he could come back and enlighten the court as to what is happening. The Special Magistrate granted a continuance to April 24, 2019 and all was in agreement.

35

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 27 Feb 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 27 Feb 2019 for compliance.

36

Case # 18-615

Martin Busam

1126 Grinnell Street

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

Sec. 14-40 Permits in historic districts

Sec. 14-262 Request for inspection - **In compliance 13 Nov 2018;****Request Dismissal**Sec. 102-152 Requirements for permits - **In compliance 13 Nov 2018;****Request Dismissal**

Officer Jorge Lopez

Certified Service: 5-23-2018

Initial Hearing: 6-27-2018

Continued from 31 Oct 2018 for compliance**Count 1:** Ductless AC units installed without the benefit of a permit.**Count 2:** Metal fence was installed and a new structure is being built in the rear side of the property without the benefit of a HARC certificate of appropriateness. **Count 3:** Two ductless AC units were installed without the benefit of inspections. **Count 4:** Significant alterations were made to the deck at the subject property without the benefit of applying and obtaining the required HARC certificate of appropriateness.

Marci Rose attended for Martin Busam. Officer Jorge Lopez stated the property owner was able to come into compliance with counts 3 and 4 but is having some issues with getting an after-the-fact permit for the deck. They need to get a permit to demolish part of the deck that is encroaching. He will not be able to get the building permit until he gets the demolition permit which was submitted on Monday. Ms. Rose stated her client has been working with the contractor and they had to get a survey. He did get a brand new survey which took time and the contractor submitted the permit on Monday as Officer Lopez stated. It should take a couple of weeks to get that permit and she doesn't know how long it will take for the contractor to do the work. She is asking for a continuance for 60 days to be in compliance. The Special Magistrate asked Ms. Rose if she has any objection to dismissal of counts 3 and 4; and she stated absolutely not. The Special Magistrate granted the request to dismiss counts 3 and 4 with no objection. Officer Lopez is asking for 30 days for compliance to have the contractor here to explain where he is in the process because it has been going on for a long time. Officer Lopez spoke with the contractor and he feels it should be done in 30 days. The Special Magistrate granted the request for compliance on 26 February 2019 with a hearing date of 27 February 2019. Ms. Rose asked if the permit is not done that she is permitted to file a motion and the Special Magistrate said yes.

37

Case # 18-825

Cuban Coffee Queen LLC

Marius Venter - Registered Agent

508 Southard 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: 12-13-2018 - Marius Venter

Initial Hearing: 1-30-2019

In compliance 10 Dec 2018; Request dismissal**Count 1:** Failure to obtain the required permit for doing roof work.**Count 2:** Failure to obtain a certificate of appropriateness for the roof
work being done.**The Special Magistrate granted the request to dismiss this case.**

38

Case # 18-1011

Bahama Gardens LTD

Steven Justi - Registered Agent

712 Thomas Street

Sec. 14-325 Permit required - **In compliance 06 Dec 2018; Request dismissal**Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - **In compliance 06 Dec 2018; Request dismissal**Sec. 14-40 Permits in historic districts - **In compliance 06 Dec 2018; Request dismissal**

Sec. 14-262 Request for inspections

Officer Jorge Lopez

Certified Service: 09-17-2018

Initial Hearing: 10-31-2018

In compliance 28 Jan 2019; Request dismissal

Count 1: Failure to obtain required permits for a new HVAC system installed in the rear side of the subject property. **Count 2:** Failure to obtain mechanical permit for the installation of a new HVAC system in the rear side of the subject property. **Count 3:** Failure to obtain the certificate of appropriateness from HARC for the new HVAC system. **Count 4:** Failure to obtain all required inspections for the new HVAC system.

The Special Magistrate granted the request to dismiss this case as they came into compliance on 28 Jan 2019.

39

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

In compliance 8 Jan 2019; Request dismissal

Count 1: Directory sign was replaced without benefit of building permit.

Count 2: Directory sign replaced without the benefit of a certificate of appropriateness.

he Special Magistrate granted the request to dismiss this case

40

Case # 18-1211

Island-West Investments Corp.

Richard Estevez - Owner

Hugh J Morgan - Registered Agent

1213 14th Street 41

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

Officer Jorge Lopez

Certified Mail: 12-12-2018 - Hugh Morgan

Certified Mail: 12-18-2018 - Richard Estevez

Initial Hearing: 1-30-2019

New Case

Count 1: Failure to obtain a building permit for an addition built. A demolition permit had been applied for on 6 Nov 2018 and more details are needed along with the property card.

Richard Estevez, respondent, and Thomas Sirieci representing Island-West Investments Corp attended. Officer Jorge Lopez gave testimony stating the mobile home owner built an addition to the trailer without permits. Mr. Estevez did apply for a permit and more documents were needed for the permit and as of today this was not done. As of today, this case is not in compliance. Mr. Sirieci asked for a continuation for the park and he stated the park has no control over what the owner of the trailer does as that is between the City and the tenant. The Special Magistrate asked why is that between the City and the tenant. Mr. Sirieci stated the City cited the tenant and the park; and the park is powerless to do anything about it as we do not own the mobile home. Mr. Sirieci stated the park was asking for a continuance to file an eviction but the mobile home owner stated he wants to come into compliance than we will delay the eviction unless we are forced to. Mr. Estevez stated he applied for the permit because of Hurricane Irma and he waited for the permit. He was living in mold and had to get it fixed. He put it back together. He did apply but was denied because he added an addition and it is below flood and it will not be able to be approved. A month later he was told about the permit. Ron Ramsingh, Assistant City Attorney, stated there is a reason why it might have been in callback in that the addition is a stick addition which is not an addition for a mobile home. If he had added another mobile home to his mobile home, this would be a different story. As this is a stick addition, it is not considered a mobile home addition and will need the proper building permits coming to FEMA. As this is a real improvement to land, we would need the landowner to sign off on the building permit and the mobile home owner to be the co-applicant. Mr. Estevez did apply for a demolition permit as instructed by the park personnel but he would really not want to demo. The Special Magistrate stated this really needs to get fixed. The Special Magistrate finds there is a violation. The City requests a finding of the violation with \$250 per day per count and \$250 administrative cost from the tenant. The Special Magistrate finds there is a violation with \$250 administrative cost to Mr. Estevez because he is the one that put it on there; and \$250 per count per day. Mr. Ramsingh asked that we have it joint and several liability as to the park and tenant. The Special Magistrate stated that the problem we have here is the

lack of contractual obligation which really was a failure of the park erring to Mr. Estevez so that they could ensure that type of addition gave them the proper remedy that this kind of situation didn't happen. This is not a failure on the City's part. The park has to watch out for their property. If need be for the park to put pressure on the home owner to get it done than that needs to be as this is a health and safety issue. The Special Magistrate stated there will be compliance on 25 March 2019. The Special Magistrate told Mr. Estevez to talk to Mr. Sirieci on how to fix it. Compliance hearing on 27 March 2019.

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Case # 18-1669

Island-West Investment Corp.

Julian Jasmine Collins

Hugh Morgan - Registered Agent

1213 14th Street 82

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

Officer Jorge Lopez

Posted: 1-2-2019 - Julian Jasmine Collins

Certified Mail: 11-19-2018 - Per USPS

Initial Hearing: 12-19-2018

Continued from 19 Dec 2018

Count 1: Failure to obtain permit for working on the roof. **Count 2:** Failure to obtain permit for framing of the residence. **Count 3:** Failure to obtain a permit for electric work. **Count 4:** Failure to obtain a permit for plumbing work done underneath the residence.

Julian Jasmine Collins, respondent, and Thomas Sireci, for the park owner, attended this meeting. Officer Jorge Lopez gave testimony that the mobile home was destroyed by Irma and she built the structure from scratch without permits. She was told two months ago on how to come into compliance and as of today she is not in compliance. She would need to relocate the structure somewhere else as it is no longer a mobile home or a demolition permit to get rid of it. Mr. Sireci stated there is nothing the park can do but file an eviction and he has instructions to file the eviction because the tenant did not come into compliance. Ms. Collins stated she is guilty and that she built it from the inside out. She is asking for some time to get it out of there. The Special Magistrate finds there is a violation. The City is requesting \$250 administrative fee and \$250 per count per day and 60 days to come into compliance. The Special Magistrate asked Mr. Ramsingh if he wants this also joint and several and Mr. Ramsingh stated yes. The Special Magistrate finds there is a violation with \$250 administrative cost and \$250 per count per day with joint and several liability with the mobile home as well as the park with 25 March for compliance with the compliance hearing on 27 March 2019.

42

Case # 18-1779

Jean Griffith

3635 Seaside Drive 417

Sec. 26-197 Animals

Officer Jorge Lopez

Certified Mail: 12-8-2018

Initial Hearing: 1-30-2019

In compliance 28 Jan 2019; Request dismissal

Count 1: Allowing your dog to bark for long periods of time which is disturbing to the neighbors.

The Special Magistrate granted the request to dismiss this case

43

Case # 18-1904S Group Inc - **Counts 1 & 2 only**Andrienne Sanchez - Registered Agent - **Counts 1 & 2 only**Richard & Deborah Pesce - Property Owners - **Counts 1 thru 10 and 12 only**Michael Herrera - **Counts 1 thru 10 and 12 thru 13 with Repeat Count 11.**

712 Eaton Street

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

Sec. 14-40 Permits in historic districts

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

Sec. 14-261 Failure to obtain

Sec. 14-327 Inspection

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

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

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

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

Sec. 14-40 Permits in historic districts

Sec. 18-150 Certificate of competency required

Sec. 18-117 Acts declared unlawful

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

Officer Jorge Lopez

Certified Mail: 12-13-2018 - Registered Agent (Amended Notice)

Certified Mail: 12-18-2018 - Richard & Deborah Pesce (Amended Notice)

Posted: 1-7-2019 - Michael Herrea

Initial Hearing: 1-30-2019

New Case - Repeat Violation

Count 1: Failure to obtain the permit for the exterior renovations regarding the railings and column. **Count 2:** Failure to obtain the certificate of appropriateness for the railings on the second floor and one column removal on the first floor. **Count 3:** Electrical work performed without the benefit of an electrical permit. **Count 4:** Failure to obtain an electrical permit. **Count 5:** Failure to obtain an electrical inspection. **Count 6:** Plumbing work performed without the benefit of a plumbing

permit. **Count 7:** Installation of new kitchen cabinets without the benefit of permits. **Count 8:** Framing and plumbing work performed without the benefit of permits. **Count 9:** New structure being built in the rear side of the property without the benefit of a permit. **Count 10:** New structure being built without the benefit of a certificate of appropriateness. **Count 11:** Does not have a certificate of competency to operate as a licensed electric contractor nor a licensed plumbing contractor. Mr. Herrera was found in violation in Case# 17-1019. **Count 12:** Unlawful for work to be performed by an unlicensed contractor. **Count 13:** Failure to obtain a business tax receipt which is required.

Manuel Sanchez for S Group and Susan Cardenas on behalf of Richard and Deborah Pesce. Officer Jorge Lopez asked for the respondent is here and he would like to call him. Mr. Herrera came to the podium. Officer Lopez asked if Mr. Herrera will be admitting to the violations. Mr. Herrera stated he has not been able to obtain legal counsel. The Special Magistrate said he will take the answer from Mr. Herrera as a no. Mr. Sanchez asks what counts are for S Group. He was told Counts 1 and 2. Officer Lopez asked Mr. Sanchez does he admit to the violations. Mr. Sanchez stated yes but it happened without him knowing. Mr. Sanchez stated he would like to take care of this today. For S Group, the City is requesting a Finding of the Violation for counts 1 and 2 with \$250 per count. The administrative fee will be paid by the property owner. The Special Magistrate stated by the S Groups admissions, he finds there is a violation with \$250 per count for a total of \$500 due. The administrative fee will be paid by the property owner. Ron Ramsingh, Assistant City Attorney, stated that we have a settlement agreement with the property owners whom Ms. Cardenas is representing. Mr. Herrera is asking for a one month continuance. The Special Magistrate granted the request to the 27 February 2019 hearing. The settlement agreement with Richard and Deborah Pesce is they will pay \$250 administrative cost and have a suspended fine of \$4,750.00. If they are found in violation of similar violations within 60 months, they will have to pay the suspended fine.

44

Case # 18-1930

Toppino Construction Company, Inc.

Edward Toppino Sr. - Registered Agent

2011 Flagler Avenue

Sec. 122-389 Prohibited uses

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

Sec. 122-390 Dimensional requirements

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

Officer Jorge Lopez

Certified Mail: 12-15-2018 - Toppino Construction

Certified Mail: 12-19-2018 - Edward Toppino Sr.

Initial Hearing: 1-30-2019

In compliance 25 Jan 2019; Request Dismissal

Count 1: Renting this property as residential units which is prohibited in the Limited Commercial Zone District. **Count 2:** Failure to obtain a non-transient business tax receipt. **Count 3:** Two sheds and one carport are located within the setbacks. **Count 4:** Failure to obtain a building permit for the construction of a carport in the rear side of the subject location.

The Special Magistrate granted the request to dismiss this case.

45

Case # 18-2029

218 Duval Street Corp.

Elizabeth Johnson - Business Registered Agent

Famlo Development Corporation

Michael Halpern - Building Registered Agent (Amended Notice only)

Jennifer Stefanacci Doll - Sec. 26-32 only (Original Notice)

218 Duval Street

**Sec. 26-32 Nuisances illustrated (Original Notice only) - In compliance
17 Dec 2018; Request dismissal**Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions (Amended Notice)

Sec. 14-40 Permits in historic districts (Amended Notice)

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions (Amended Notice)

Sec. 14-262 Request for inspection (Amended Notice)

Officer Jorge Lopez

Certified Mail: 12-7-2018 (Original Notice) - Jennifer Stefanacci Doll

Certified Mail: 1-4-2019 (Amended Notice) - Michael Halpern

Posted: 1-17-2019 (Amended Notice) - Elizabeth Johnson

Initial Hearing: 1-30-2019

Continuance granted to 27 Feb 2019**Count 1 (Original Notice):** The use of a foam machine spreading foam on the City's right of way which was causing a hazard to pedestrians and adjacent properties. **In compliance 17 Dec 2018; Request dismissal.****Count 1 (Amended Notice):** Two signs installed without the benefit of a building permit. **Count 2 (Amended Notice):** Signs installed withoutthe benefit of a certificate of appropriateness. **Count 3 (Amended****Notice):** Two flood lights installed without the benefit of an electricalpermit. **Count 4 (Amended Notice):** Electrical work performed without an inspection.**The Special Magistrate granted the request to continue this case to 27 Feb 2019.**

46

Case # 18-2070

Michael Herrera -

Artist House Key West Group, LLC - **Counts 1 thru 3 only**

CT Corporation System - Registered Agent

1016 Fleming Street

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

Sec. 14-40 Permits in historic districts

Sec. 18-117 Acts declared unlawful

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

Officer Jorge Lopez

Posted: 1-7-2019 - Michael Herrera

Certified Mail: 12-24-2018 - CT Corporation System

Initial Hearing: 1-30-2019

Continuance granted to 27 Feb 2019

Count 1: Failure to obtain building permits for new deck built on the second floor, 3 new posts and deck frame. Michael Herrera is the maintenance manager at this property and did not obtain permits. **Count 2:** Failure to obtain a certificate of appropriateness for building a new second floor dec, 3 new posts, deck frame, siding work in the rear side of the building and multiple paint buckets on the property. **Count 3:** Mr. Herrera is not qualified as a license contractor and was employed by the property owner. Repeat violation from Case# 17-1019 for Mr. Herrera. **Count 4:** Mr. Herrera does not have a business tax receipt to provide servies as a licensed contractor. Repeat violation from Case# 17-1019

Michael Herrera attended for respondent. Officer Jorge Lopez attended. There is a continuance granted for the owner, The Artist House, to 27 Feb 2019. The Special Magistrate asked if he had the same issues as previously stated. Mr. Herrera stated he knew what he did there that he worked for the Riley Group, the people who own the property and they advised him to do the work. Officer Lopez stated Mr. Herrera is a repeat violator as he keeps acting like a licensed contractor around the City of Key West when he is not. The city does have a finding of the violation back in 2017. Mr. Herrera is aware of the situation and he admitted that he did the work. The City is looking for a finding of the violation with a finding of a repeat for him acting as a licensed contractor. The Special Magistrate asked Mr. Herrera if he is acting as a licensed contractor. Mr. Herrera stated that no that they are aware that I am not a licensed contactor, he doesn't say that he is a licensed contactor that he just does maintenance for them. He is their property manager and they ask him to do it and he does it. Officer Lopez stated he is not qualified to replace a second floor deck of a house or any building. He is not qualified to do

electrical or plumbing work. Mr. Lopez stated this is the same scenario as in the other property where he gets hired by other people and tells them he can get permits. He is unable to get permits from the City of Key West. The Special Magistrate asked Mr. Herrera if he built the new deck and he stated he hired day labor to come in and do it. Mr. Herrera stated he does not physically do any work that he just hires people to do the work. The Special Magistrate stated that he hired the people so it is just like he built the deck. Mr. Ramsingh stated that on a commercial building that it has to be a licensed contractor to do the work. Mr. Herrera stated he is guilty of hiring people to do the work. The Special Magistrate stated that by Mr. Herrera's own admission that he finds there is a violation with \$250 administration cost and \$250 per count per day. The Special Magistrate asked how this will come into compliance. Officer Lopez stated that the property owner is hiring a licensed contractor to get the after-the-fact permits. These are repeat violation for counts 3 and 4 for Mr. Herrera with counts 1 and 2 not repeat.

47

Case # 18-1079

Kermit Inc

Kevin Joseph Solari - Registered Agent

431 Front Street B

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

Sec. 14-40 Permits in the historic districts

Sec. 114-103 Prohibited signs

Officer Paul Navarro

Certified Mail: 1-2-2019 - Registered Agent

Certified Mail: 1-8-2019 - Kermit, Inc.

Initial Hearing: 1-30-2019

New Case

Count 1: Failure to obtain the required permit for a wood fram with a sign. **Count 2:** Failure to obtain a certificate of appropriateness for signs in the rear, side and front of the subject property. **Count 3:** A prohibited sign has been placed at the subject property.

Mr. Carpenter attended. Officer Paul Navarro gave testimony about unpermitted signs located at this property. Signs Unlimited called Officer Navarro yesterday stating the signs are going to be removed. Mr. Carpenter stated that is right. The Special Magistrate asked Mr. Carpenter if he has an objection to count 3 being dismissed and he stated no. The Special Magistrate granted the request to dismiss count 3 without objection. Mr. Carpenter admits to the violation. The City requests a finding of the violation with \$250 administrative cost and \$250 per day per count with 30 days to come into compliance. The Special Magistrate stated by Mr. Carpenter's own admission he finds there is a violation with \$250 administrative cost and \$250 per count per day with dismissal of count 3 with compliance by March 15, 2019 and returning on March 27, 2019 for compliance hearing.

48

Case # 18-1934

OfficeMax North America, Inc
Corporate Creations Network Inc - Registered Agent
1118 Key Plaza
Sec. 30-1 Fees for false alarms and fire code inspections
Officer Paul Navarro
Certified Mail: 1-2-2019 - Registered Agent
Certified Mail: 1-2-2019 - OfficeMax North America
Initial Hearing: 1-30-2019

In compliance 22 Jan 2019; Request dismissal**Count 1:** Failure to pay for four annual fire inspections

he Special Magistrate granted the request to dismiss this case.

Mitigations

49

Case # 18-673

John Cameron
Lara Schmidt
620 Thomas Street 178

Mr. John Fogarty attended for the respondent. Mr. Fogarty gave background on the case. The A/C was replaced after the Irma hurricane without permits. The Special Magistrate stated it took 14 days to come into compliance and the ordinance states it can be mitigated up to 90%. The Special Magistrate stated he will mitigate it down to \$1,000.

50

Case # 18-730

David Cunningham
428 Greene Street

David Cunningham attended this hearing. Mr. Cunningham gave testimony stating he would like to get this taken care of and asked that they take the offer that he sent in. The Special Magistrate asked what is the percentage that can be mitigated on 79 days and he was told by Director Young no more than 50%. Mr. Cunningham stated this all came about because of his men over trimming a tree and they were fined the \$2,000. They lost track of time and the original communication did not get through in time because they moved. The Special Magistrate stated that they were found in violation for not paying the \$2000 fine from the Tree Commission. The Special Magistrate stated he cannot go down to \$4000 nor will he. The Special Magistrate said he will mitigate it down to 50% which will be \$9,750. Mr. Cunningham asked how much time he can get to pay this. The Special Magistrate stated he would have to work that out with the City for the payment.

Adjournment