



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final

### Code Compliance Hearing

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Wednesday, August 31, 2016

1:30 PM

Old 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 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

**Call Meeting to Order**

**Code Violations**

1

**Case # 15-794**

Edwin O Swift

Historic Tours of America

809 Terry Lane

Sec. 14-40 Permits in historic districts

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

Officer Bonnita Badgett

Certified Service: 8-11-2015

Initial Hearing: 9-30-2015

**Continuance granted to October 19, 2016**

**Count 1:** For failure to obtain a certificate of appropriateness for the fence and gate. **Count 2:** For failure to obtain a building permit for the fence and gate.

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

2

**Case # 16-899**

Discount Dumpsters & Demolition

Daniel B Michie

1116 Packer Street

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

Sec. 62-3 Schedule of right of way permit fees

Officer Bonnita Badgett

Certified Service: 7-25-2016

Initial Hearing: 8-31-2016

**In compliance July 15, 2016, request dismissal**

**Count 1:** A business tax receipt is required to do business in the City of Key West. **Count 2:** A dumpster permit is required to place a dumpster on the city right of way.

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

3

**Case # 16-905**

Discount Dumpsters & Demolition

Daniel B Michie

726 Poorhouse Lane

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

Officer Bonnita Badgett

Certified Service: 7-25-2016

Initial Hearing: 8-31-2016

**In compliance July 15, 2016, request dismissal**

**Count 1:** A business tax receipt is required to do business in the City of Key West.

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

4

**Case # 15-1327**

Far Niente, LLC  
Jack Spottswood, Registered Agent  
416 Elizabeth Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-40 Permits in historic districts  
Officer Peg Corbett  
Certified Service: 2-18-2016  
Initial Hearing: 3-30-2016

**Continued from September 28, 2016 for compliance**

**Count 1:** A fence in excess of 8' in height was built on the side and rear of the subject property without benefit of a building permit. **Count 2:** A fence in excess of 8' in height was built on the side and rear of the subject property without benefit of a certificate of appropriateness.

Richard McChesney represented Far Niente, LLC. Requested a continuance to September 28, 2016 which was granted by the Special Magistrate.

5

**Case # 16-260**

Michael J. McMahan  
Blanche Stapleton  
28 Seaside South Court  
Sec. 18-601 - License required  
Sec. 122-1371 Transient living accommodations in residential  
dwellings; regulations  
Officer Peg Corbett  
Posted: 7-16-2016  
Initial Hearing: 7-27-2016

**In compliance August 15, 2016, request Finding of Violation without fees or fine**

**Count 1:** Being held out/advertised for short term rental on AIRBNB without license. Notice of code violation was not accepted and property was posted on 31st day of May 2016. **Count 2:** Being held out/advertised without the property licensing and vetting by the city, state and county and without the required medallion. Does not have required fire inspection by the city of Key West Fire Department.

The Special Magistrate granted the request to find Michael J McMahan and Blanche Stapleton in violation, no fees or fines were imposed.

The Special Magistrate granted the request to find Michael J McMahan and Blanche Stapleton in violation, no fees or fines were imposed.

6

**Case # 16-513**

Norbert &amp; Anne Fischer

3625 Seaside Drive 409

Sec. 66-102 Dates due and delinquent; penalties

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

Officer Peg Corbett

Certified Service: 6-3-2016

Initial Hearing: 7-27-2016

**In compliance August 16, 2016, request dismissal**

**Count 1:** Transient medallion expired on 30 Sept 2015. **Count 2:** Expired transient medallion which was withheld at renewal due to no state licensing. Yearly fire inspection is required.

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

7

**Case # 16-570**

Jane Fenwick-Goodwin

1124 Margaret Street

Sec. 66-102 Dates due and delinquent; penalties

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

Officer Peg Corbett

Posted: 6-9-2016

Initial Hearing: 7-27-2016

**Continued from July 27, 2016 for compliance**

**Count 1:** Failure to renew medallion and transient license which expired 30 Sept 2015. **Count 2:** Failure to renew and transfer medallion and license to new owner after completion of requirements within the city ordinance.

**Officer Corbett stated that this case went before the Special Magistrate on 7-27-16 and was found in violation, no fees or fines were imposed and a compliance hearing was to be held on 8-31-16. Compliance has not been obtained. The Special Magistrate found Ms. Fenwick-Goodwin in violation and imposed fees of \$250 and a fine of \$250.**

8

**Case # 16-574**

Charles B Hoffman

1420 Whalton Street

Sec. 18-601 License required

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

Officer Peg Corbett

Certified Service: 5-18-2016 - Notice of Hearing

Certified Service: 7-23-2016 - Amended Notice of Hearing

Initial Hearing: 7-27-2016

**Repeat Violation****Continued from July 27, 2016**

**Count 1:** Being held out for short term rental on TripAdvisor & FlipKey web sites without appropriate license. Previously cited and found in violation for same activity - Case #16-219. **Count 2:** Transiently renting and advertising without the proper vetting for state, county and city licensing and the requisite medallion.

**Mr. Hoffman attended the hearing. Officer Corbett requested that all cases concerning Mr. Hoffman be heard at the same time. Page 8, item 15, case # 16-976 and page 9, items 16 and 17, cases 16-977 and 16-978, which was granted. Officer Corbett submitted evidence and gave testimony. Mr. Hoffman stated that he sent a letter requesting an exemption to the Commissioners for the elderly. He stated that he did it out of necessity and consider that in your judgement. Officer Corbett requested \$250 fees for each case and \$250 per count (total of 2 counts) per case for a total of \$750. There was discussion of which cases were repeat. The Special Magistrate imposed the court costs of \$250 and a fine of \$500 for case # 16-574.**

9

**Case # 16-579**

Left Shore LLC  
Carol Pallen - Registered Agent  
3910 South Roosevelt Boulevard S207  
Sec. 18-601 License Required  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations  
Officer Peg Corbett  
Certified Service: 8-4-2016  
Initial Hearing: 8-31-2016

**In compliance July 22, 2016, request Finding of Violation without fees or fines**

**Count 1:** Being held out/advertising on AIRBNB for short term rental without a business tax receipt. **Count 2:** Being rented short term without requisite city, state and county licensing. Has had no fire inspection. Has no medallion.

**The Special Magistrate granted the request to find Left Shore LLC/ Carol Pallen in violation, no fees or fines were imposed.**

10

**Case # 16-778**

Maria Novak  
3920 S Roosevelt Blvd N308  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations  
Officer Peg Corbett  
Certified Service:  
Initial Hearing: 8-31-2016

**In compliance August 15, 2016, request dismissal**

**Count 1:** For holding out/advertising for short term rentals without a business tax receipt. On 9 June 2016 she offered her apartment for 19 July 2016 through 28 July 2016 for \$1,498 via the online website AIRBNB. **Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion.

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

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**Case # 16-793**

Ronald Kaisen  
1211 Catherine Street  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulation  
Officer Peg Corbett  
Posted: 7-8-2016  
Initial Hearing: 8-31-2016

**Settlement Agreement**

**Count 1 & 2:** Being held out/advertised for short term rental on AIRBNB and VRBO without obtaining a license. Two previous cases where findings of violation were issued. Entered into a settlement agreement in both cases. **Count 3 & 4:** Failure to provide city, state and county licensing. Does not have transient medallion and has not had a fire inspection. Repeat violations.

A Settlement Agreement was presented to the Special Magistrate, which he approved. Costs of \$250 were imposed. Also imposed was a fine in the amount of \$500 for each repeat violation (9) for a total of \$4,500 of which \$2,000 will be suspended. The total amount due is \$2,750.

12

**Case # 16-823**

June K Waage  
921 Whitehead Street  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations  
Officer Peg Corbett  
Certified Service:  
Initial Hearing: 7-27-2016

**Settlement Agreement**

**Count 1:** Being held out/advertising on VRBO for short term rental without business tax receipt. Repeat violation - Ms. Waage signed a settlement agreement 17 Dec 2014 wherein she agreed to cease this activity - Case # 14-1489. **Count 2:** Being transiently rented without proper city, state and county licensing. Does not have transient medallion or yearly fire inspection. Repeat violation

**A Settlement Agreement was presented to the Special Magistrate which he approved. Costs of \$250 were imposed. Also imposed was a fine in the amount of \$500 for each repeat violation (10) for a total of \$5,000 of which \$3,000 will be suspended. The total amount due is \$2,250.**

13

**Case # 16-908**

DGK Key West, LLC  
Genevieve Degroot - Registered Agent  
1320 Seminary Street  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations  
Officer Peg Corbett  
Certified Service: 7-16-2016  
Initial Hearing: 8-31-2016

**In compliance August 11, 2016, request Finding of Violation without fees or fines**

**Count 1:** For holding out/advertising for short term rentals without a business tax receipt. The city reserved the unit for 8 Aug 2016 through 11 Aug 2016 for a total of \$431. **Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion.

**The Special Magistrate granted the request to find DGK Key West, LLC/Genevieve Degroot in violation, no fees or fines were imposed.**



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**Case # 16-942**

Ronald Kaisen

1211 Catherine Street

Sec. 18-601 License Required

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

Officer Peg Corbett

Certified Service:

Initial Hearing: 8-31-2016

**Settlement Agreement**

**Count 1:** For holding out/advertising for short term rentals without a business tax receipt. **Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion. **Counts 3 - 9: Sec. 122-1371 (d) 9:** On 13 June 2016, City was able to request a reservation on VRBO for seven night beginning 20 Aug 2016 for \$3,568.75. The property is not permitted for transient rentals.

A Settlement Agreement was presented to the Special Magistrate which he approved. Costs of \$250 were imposed. Also imposed was a fine in the amount of \$500 for each repeat violation (9) for a total of \$4,500 of which \$2,000 will be suspended. The total amount due is \$2,750. Payment was received.

15

**Case # 16-976**

Charles B Hoffman

1420 Whalton Street Unit 1

Sec. 18-601 License required

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

Officer Peg Corbett

Certified Service: 7-25-2016

Initial Hearing: 8-31-2016

**Repeat Violation****New Case**

**Count 1:** For holding out/advertising for short term rentals without a business tax receipt. Mr. Hoffman was previously charged and found in violation, 16-219. **Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion. **Counts 3-9: Sec. 122-1371 (d) 9:** Property is being held out/advertised on AIRBNB. City reserved Poolside Private Room for the dates of 3 Sept 2016 through 10 Sept 2016 for \$1,150 (7 nights) contrary to this ordinance.

**Mr. Hoffman attended the hearing. Officer Corbett requested that all cases concerning Mr. Hoffman be heard at the same time. Page 8, item 15, case # 16-976 and page 9, items 16 and 17, cases 16-977 and 16-978, which was granted. Officer Corbett submitted evidence and gave testimony. Mr. Hoffman stated that he sent a letter requesting an exemption to the Commissioners for the elderly. He stated that he did it out of necessity and consider that in your judgement. Officer Corbett requested \$250 fees for each case and \$250 per count (total of 2 counts) per case for a total of \$750. There was discussion of which cases were repeat. The Special Magistrate imposed the court costs of \$250 for case # 16-976.**

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**Case # 16-977**

Charles B Hoffman

1420 Whalton Street Unit 2

Sec. 18-601 License required

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

Officer Peg Corbett

Certified Service: 7-23-2016

Initial Hearing: 8-31-2016

**Repeat Violation****New Case**

**Count 1:** For holding out/advertising for short term rentals without a business tax receipt. Mr. Hoffman was previously charged and found in violation, 16-219. **Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion. **Counts 3-9: Sec. 122-1371 (d) 9:** Property is being held out/advertised on AIRBNB. City reserved Poolside Private Room for the dates of 19 Sept 2016 through 24 Sept 2016 for \$866 (5nights) contrary to this ordinance.

Mr. Hoffman attended the hearing. Officer Corbett requested that all cases concerning Mr. Hoffman be heard at the same time. Page 8, item 15, case # 16-976 and page 9, items 16 and 17, cases 16-977 and 16-978, which was granted. Officer Corbett submitted evidence and gave testimony. Mr. Hoffman stated that he sent a letter requesting an exemption to the Commissioners for the elderly. He stated that he did it out of necessity and consider that in your judgement. Officer Corbett requested \$250 fees for each case and \$250 per count (total of 2 counts) per case for a total of \$750. There was discussion of which cases were repeat. The Special Magistrate imposed the court costs of \$250 and a fine of \$500 for case # 16-977.

17

**Case # 16-978**

Charles B Hoffman

1420 Whalton Street Unit 3

Sec. 18-601 License required

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

Officer Peg Corbett

Certified Service: 7-23-2016

Initial Hearing: 8-31-2016

**Repeat Violation****New Case**

**Count 1:** For holding out/advertising for short term rentals without a business tax receipt. Mr. Hoffman was previously charged and found in violation, 16-219. **Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion. **Counts 3-9: Sec. 122-1371 (d) 9:** Property is being held out/advertised on AIRBNB. City reserved Luxury Private Studio for the dates of 25 Sept 2016 through 30 Sept 2016 for \$925 (5 nights) contrary to this ordinance.

Mr. Hoffman attended the hearing. Officer Corbett requested that all cases concerning Mr. Hoffman be heard at the same time. Page 8, item 15, case # 16-976 and page 9, items 16 and 17, cases 16-977 and 16-978, which was granted. Officer Corbett submitted evidence and gave testimony. Mr. Hoffman stated that he sent a letter requesting an exemption to the Commissioners for the elderly. He stated that he did it out of necessity and consider that in your judgement. Officer Corbett requested \$250 fees for each case and \$250 per count (total of 2 counts) per case for a total of \$750. There was discussion of which cases were repeat. The Special Magistrate imposed the court costs of \$250 and a fine of \$500 for case # 16-978.

18

**Case # 16-1032**

Maria Novak

3920 S Roosevelt Boulevard N308

Sec. 18-601 License required

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

Officer Peg Corbett

Cedrtified Service:

Initial Hearing: 8-31-2016

**In compliance August 15, 2016, request dismissal**

**Count 1:** For holding out/advertising for short term rentals on www.flipkey.com without a business tax receipt. **Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion. **Counts 3 - 8: Sec. 122-1371 (d) 9:** For holding out/advertising for short term rentals when it is not permitted. City reserved the dates of 15 Aug 2016 through 21 Aug 2016 (6 nights) for \$1,540.

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

19

**Case # 16-1039**

Laurie Henderson

3910 S Roosevelt Boulevard W201

Sec. 18-601 License required

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

Officer Peg Corbett

Certified Service:

Initial Hearing: 8-31-2016

**In compliance August 11, 2016, request dismissal**

**Count 1:** For holding out/advertising for short term rentals without a business tax receipt. Ms. Henderson has 6 reported rentals for the month of July. City reserved the dates of 15 Aug 2016 through 19 Aug 2016 (4 nights) for \$129 per night via AIRBNB. **Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion. **Counts 3 - 6: Sec. 122-1371 (d) 9:** For holding out/advertising for short term rentals without the required transient license.

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

20

**Case # 16-1129**

Key Cove Landing LLC

Christopher Belland - Registered Agent

10 Key Cove Drive

Sec. 18-601 License required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-12-2016

Initial Hearing: 8-31-2016

**Continued from August 31, 2016**

**Count 1:** For holding out/advertising for short term rentals on **VRBO** without a business tax receipt. City reserved the dates of 17 Sept 2016 through 23 Sept 2016 (6 nights) for \$4,035.60. **Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion. **Counts 3 - 8: Sec. 122-1371 (d) 9:** For holding out/advertising for short term rentals when it is not permitted. Previous case was 15-249 where Mr. Belland signed a Settlement Agreement.

The Special Magistrate granted the request to continue this case to October 19, 2016.

21

**Case # 16-1130**

Key Cove Landing LLC

Christopher Belland - Registered Agent

10 Key Cove Drive

Sec. 18-601 License required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-12-2016

Initial Hearing: 8-31-2016

**This case was rescheduled to November 16, 2016**

**Count 1:** For holding out/advertising for short term rentals on **www.homeaway.com** without a business tax receipt. City reserved the dates of 17 Sept 2016 through 23 Sept 2016 (6 nights) for \$4,035.60. **Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion. **Counts 3 - 8: Sec. 122-1371 (d) 9:** For holding out/advertising for short term rentals when it is not permitted. Previous case was 15-249 where Mr. Belland signed a Settlement Agreement.

**The Special Magistrate granted the request to continue this case to October 19, 2016.**



22

**Case # 16-1167**

Key Cove Landing LLC

Christopher Belland - Registered Agent

4 Key Cove Drive

Sec. 18-601 License Required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-16-2016

Initial Hearing: 8-31-2016

**Continued from August 31, 2016**

**Count 1:** Being held out/advertised on VRBO for short term rental without the required business tax receipt. City reserved the dates of 17- Sept 2016 through 23 Sept 2016 for \$3,979.35. Mr. Belland was previously cited for the same charge and signed a Settlement Agreement for case number 15-249. **Count 2:** The property is being held out/advertised for short term rental without the requisite city, county and state licensing. The property does not have a transient medallion and has not been inspected by the Fire Department. **Counts 3 - 8: Sec. 122-1371 (d) 9:** The property is being held out/advertised for short term rental for six nights beginning 17 Sept 2016 for \$3,979.35 without the benefit of a transient license.

The Special Magistrate granted the request to continue this case to October 19, 2016.

23

**Case # 16-1169**

Key Cove Landings LLC

Christopher Belland - Registered Agent

4 Key Cove Drive

Sec. 18-601 License Required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-16-2016

Initial Hearing: 8-31-2016

**Continued from August 31, 2016**

**Count 1:** Being held out/advertised on www.homeaway.com for short term rental without the required business tax receipt. City reserved the dates of 17- Sept 2016 through 23 Sept 2016 for \$4,016.35. The property is advertised with a four night minimum. Mr. Belland was previously cited for the same charge and signed a Settlement Agreement for case number 15-249. **Count 2:** The property is being held out/advertised for short term rental without the requisite city, county and state licensing. The property does not have a transient medallion and has not been inspected by the Fire Department. **Counts 3 - 8: Sec. 122-1371 (d) 9:** The property is being held out/advertised for short term rental for six nights beginning 17 Sept 2016 for \$4,016.35 without the benefit of a transient license.

**The Special Magistrate granted the request to continue this case to October 19, 2016.**

24

**Case # 16-532**

Truman Books &amp; Video

Ms. Terry G. Galardi - Business Owner

Ms. Patricia Burnside - Register Agent

Mr. Michael L. Browning Trust 6.28.91 - Property Owner

922 Truman Avenue

Sec. 14-40 Permits in historic districts

Officer Leonardo Hernandez

Certified Service: 6-21-2016 - Business Owner

Certified Service: 6-22-2016 - Registered Agent

Initial Hearing: 7-27-2016

**Continued from August 31, 2016**

**Count 1:** For failure to obtain a certificate of appropriateness for exterior painting

**Mr. Charles Lee attended the hearing. Officer Hernandez gave testimony and requested a finding of violation with costs and no fines at this time. Mr. Lee questioned the staff report about the building not being a contributing structure and he couldn't find anything for pages 35 and 36 of the HARC guidelines. The Special Magistrate stated that he would need to check with HARC and denied the request for a finding of violation and continued this case to October 19, 2016.**

24 Case # 16-532  
Truman Books & Video  
Ms. Terry G. Galardi - Business Owner  
Ms. Patricia Burnside - Register Agent  
Mr. Michael L. Browning Trust 6.28.91 - Property Owner  
922 Truman Avenue  
Sec. 14-40 Permits in historic districts  
Officer Leonardo Hernandez  
Certified Service: 6-21-2016 - Business Owner  
Certified Service: 6-22-2016 - Registered Agent  
Initial Hearing: 7-27-2016

Continued from July 27, 2016

Count 1: For failure to obtain a certificate of appropriateness for exterior painting

24 Case # 16-532  
Truman Books & Video  
Ms. Terry G. Galardi - Business Owner  
Ms. Patricia Burnside - Register Agent  
Mr. Michael L. Browning Trust 6.28.91 - Property Owner  
922 Truman Avenue  
Sec. 14-40 Permits in historic districts  
Officer Leonardo Hernandez  
Certified Service: 6-21-2016 - Business Owner  
Certified Service: 6-22-2016 - Registered Agent  
Initial Hearing: 7-27-2016

Continued from July 27, 2016

Count 1: For failure to obtain a certificate of appropriateness for exterior painting

25

**Case # 16-774**

Elsa M Diaz

Mortgage Contracting Services

1523 Seminary Street

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

Officer Leonardo Hernandez

Certified Service: 7-14-2016 - Mortgage Contracting

Certified Service: 8-12-2016 - Elsa M. Diaz

Posted: 7-18-2016 - Diaz

Initial Hearing: 8-31-2016

**Continued from August 31, 2016 for compliance****Count 1:** There is overgrowth, foul odors, yard waste and a discarded refrigerator/freezer on the front lawn.**Officer Hernandez submitted evidence, gave testimony and requested a finding of violation with \$250 costs and a compliance date of September 27, 2016 which the Special Magistrate granted.**

26

**Case # 16-802**

Sai Chhaya Properties LLC - Registered Agent

Yogesh Jagasia Ramish - Property Owner

3701 Pearlman Terrace

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

Officer Leonardo Hernandez

Certified Service: 8-22-2016 - Property Owner

Certified Service: 8-26-2016 - Registered Agent

Initial Hearing: 8-31-2016

**In compliance June 30, 2016, request dismissal****Count 1:** A business tax receipt is required to rent this property  
non-transiently.**The Special Magistrate granted the request to dismiss this case.**

27

**Case # 16-158**

Charles Sonny McCoy Rev Trust

88 Hilton Haven Drive

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

Officer Beau Langford

Certified Service: 8-10-2016

Initial Hearing: 8-31-2016

**In compliance September 21, 2016, request dismissal**

**Count 1:** For failure to remove/have removed the bee hive that is in the roof. The bees are swarming.

"Mimi" Francesca Grantham attended the hearing. Officer Langford submitted evidence and gave testimony. Ms. Grantham explained that a bee company had removed the bees but they were back. The bee company told her that that can't do it when it is raining. The Special Magistrate asked Officer Langford if there was any danger to any individuals and Officer Langford stated, no, not at this time and that he had no evidence of that. The Special Magistrate granted the request to continue this case to September 28, 2016.

28

**Case # 16-265**Key West Yoga Sanctuary LLC - **In compliance**

Ronald A Barker, registered agent

The Green Pineapple LLC - **In compliance**

Deborah Lippi, registered agent

Date &amp; Thyme LLC

Charlotte Wilson, registered agent

1130 Duval Street

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

Sec. 2-939 Licenses

Sec. 66-87 Business tax receipt required for all holdings themselves  
out to be engaged in business - **Date & Thyme LLC only**

Officer Beau Langford

Certified Service: 5-11-2016 - Key West Yoga

Certified Service: 5-11-2016 - The Green Pineapple

Certified Service: 5-10-2016 - Date &amp; Thyme

Initial Hearing: 6-29-2016

**In compliance August 30, 2016, request dismissal**

**Count 1:** For failure to obtain building permits for the signs hanging from the awning for the three businesses. **Count 2:** For failure to obtain a certificate of appropriateness for the signs hanging from the awning for the three businesses. **Count 3:** For failure to obtain a revocable license for the signs hanging from the awning for the three businesses. **Count 4:** For failure to transfer the business tax receipt to 1130 Duval Street - Date & Thyme only.

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

29

**Case # 16-870**

Tawlaw, LLC  
Christian Cruz - Registered Agent  
1016 Duval Street  
Sec. 58-31 Container and receptacle requirements  
Officer Beau Langford  
Certified Service: 7-20-2016  
Initial Hearing: 8-31-2016

**In compliance September 28, 2016, request dismissal**

**Count 1:** For storing trash bins on the city right of way.

The Special Magistrate granted the request to continue this case to September 28, 2016.

30

**Case # 16-900**

EGJL KW, LLC  
Jeffrey Barefoot Lamm - Registered Agent  
810 Florida Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-40 Permits in historic districts - **Counts 2 - 4**  
Officer Beau Langford  
Certified Service: 7-25-2016  
Initial Hearing: 8-31-2016

**In compliance August 24, 2016, request dismissal**

**Count 1:** For failure to obtain a building permit prior to the construction of the fence. **Count 2:** For failure to obtain a certificate of appropriateness prior to the construction of the fence. **Count 3:** For failure to obtain a certificate of appropriateness for the lattice skirting that was attached to the bottom of the house. **Count 4:** For failure to obtain a certificate of appropriateness for the lattice that was attached to the bottom of the fence between 810 Florida Street and 826 Florida Street.

The Special Magistrate granted the request to dismiss this case.



31

**Case # 16-928**

Victoria McFayden  
1610 South Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Beau Langford  
Certified Service: 7-21-2016  
Initial Hearing: 8-31-2016

**In compliance July 15, 2016, request dismissal**

**Count 1:** The business tax receipt to rent this property non-transiently has been delinquent since 30 Sept 2015.

The Special Magistrate granted the request to dismiss this case.

32

**Case # 16-929**

Paul S Mills, CPA  
1541 5th Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Beau Langford  
Certified Service: 7-21-2016  
Initial Hearing: 8-31-2016

**Repeat Violation - Request Finding of Violation with fees and fines**

**New Case**

**Count 1:** The business tax receipt for Paul S Mills, CPA has been delinquent since 30 Sept 2015.

Officer Langford submitted evidence, gave testimony and requested a finding of violation with \$250 costs and a fine of \$500 for the repeat violation which the Special Magistrate granted.

33

**Case # 16-930**

Russel Monuments  
2929 Airport Boulevard  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Beau Langford  
Certified Service:  
Initial Hearing: 8-31-2016

**In compliance August 24, 2016, request dismissal**

**Count 1:** The business tax receipt for Russel Monuments has been delinquent since 30 Sept 2015.

The Special Magistrate granted the request to dismiss this case.

34

**Case # 16-932**

Tim & Lynn Gallagher  
3122 Riviera Drive  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Beau Langford  
Certified Service: 7-20-2016  
Initial Hearing: 8-31-2016

**In compliance July 21, 2016, request Finding of Violation without fees or fines**

**Count 1:** The business tax receipt to rent this property non-transiently was delinquent since 30 Sept 2015.

The Special Magistrate granted the request to find Tim & Lynn Gallagher in violation, no fees or fines were imposed.

35

**Case # 16-934**

Visible Difference Hair & Nail  
918 Kennedy Drive A  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Beau Langford  
Certified Service: 7-20-2016  
Initial Hearing: 8-31-2016

**In compliance August 23, 2016, request Finding of Violation without fees or fines**

**Count 1:** The business tax receipt for Visible Difference Hair & Nail has been delinquent since 30 Sept 2015

**The Special Magistrate granted the request to find Visible Difference Hair & Nail in violation, no fees or fines were imposed.**

36

**Case # 16-941**

Richard Watherwax Photography  
Sole Proprietor  
719 Windsor Lane A  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Beau Langford  
Hand Served: 8-12-2016  
Initial Hearing: 8-31-2016

**Repeat Violation - Request Finding of Violation with fees and fines****New Case**

**Count 1:** The business tax receipt for Richard Watherwax Photography has been delinquent since 30 Sept 2015.

**Officer Langford submitted evidence, gave testimony and requested a finding of violation with \$250 costs and a fine of \$500 for the repeat violation which the Special Magistrate granted.**

37

**Case # 16-970**

Island Advertising & Printing  
1107 Truman Avenue  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Beau Langford  
Certified Service:  
Initial Hearing: 8-31-2016

**In compliance August 12, 2016, request dismissal**

**Count 1:** The business tax receipt for Island Advertising & Printing has been delinquent since 30 Sept 2015.

The Special Magistrate granted the request to dismiss this case.

38

**Case # 16-974**

James E & Laura D Thornbrugh  
2014 Roosevelt Drive  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Beau Langford  
Certified Service: 7-25-2016  
Initial Hearing: 8-31-2016

**In compliance August 12, 2016, request Finding of Violation with fees and fines**

**Count 1:** A business tax receipt is required to rent this property non-transiently.

Officer Langford submitted evidence, gave testimony and requested a finding of violation with \$250 costs and a fine of \$250 for the repeat violation which the Special Magistrate granted.

39

**Case # 16-727**

Whammy Key LLC  
Alfred Phillips - Registered Agent  
903 Duval Street  
Sec. 26-192 Unreasonably excessive noise prohibited  
Officer Jorge Lopez  
Certified Service: 6-30-2016  
Initial Hearing: 7-27-2016

**Continued from September 28, 2016**

**Count 1:** Was given warning with a DBC of 86.9 on 6/3/16. Received another complaint, conducted a second reading on 6/25/16 with a DBC of 81.1 and was found in violation.

**Christy Spottswood attended the hearing for Whammy Key LLC. She stated that she is requesting another continuance, that she is working with Mr. Ramsingh to get this resolved. The Special Magistrate granted her request and continued this case to September 28, 2016.**

40

**Case # 16-766**

Adnan S Khan & Catherine B Dela Cruz  
905 White Street 1  
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions  
Sec. 14-40 Permits in historic districts  
Officer Jorge Lopez  
Certified Service: 7-14-2016  
Initial Hearing: 7-27-2016

**In compliance August 24, 2016, request dismissal**

**Count 1:** Failure to apply for and obtain required permits and inspections for fence. **Count 2:** Failure to obtain Certificate of Appropriateness for fence.

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

41

**Case # 16-768**

Townsend A Vanfleet  
905 White Street 2  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-40 permits in historic districts.  
Officer Jorge Lopez  
Certified Service: 7-11-2016  
Initial Hearing: 7-27-2016

**In compliance August 24, 2016, request dismissal**

**Count 1:** Failure to apply for and obtain required permits and inspections for fence. **Count 2:** Failure to obtain Certificate of Appropriateness for fence.

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

42

**Case # 16-769**

Alan Eckstein  
905 White Street 3  
Sec. 14-37 Building permits; profesional plans; display of permits;  
address; exceptions  
Sec. 14-40 Permits in the historic districts  
Officer Jorge Lopez  
Certified Service: 7-8-2016  
Initial Hearing: 7-27-2016

**In compliance August 24, 2016, request dismissal**

**Count 1:** Failure to apply for and obtain required permits and inspections for fence. **Count 2:** Failure to obtain Certificate of Appropriateness for fence.

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

43

**Case # 16-770**

Patricia Frost  
907 White Street 4  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-40 permits in historic districts  
Officer Jorge Lopez  
Certified Service: 7-8-2016  
Initial Hearing: 7-27-2016

**In compliance August 24, 2016, request dismissal**

**Count 1:** Failure to apply for and obtain required permits and inspections for fence. **Count 2:** Failure to obtain Certificate of Appropriateness for fence.

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

44

**Case # 16-771**

James & Stephanie M Keegan  
907 White Street 5  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-40 Permits in historic districts  
Officer Jorge Lopez  
Certified Service:  
Initial Hearing: 7-27-2016

**In compliance August 24, 2016, request dismissal**

**Count 1:** Failure to apply for and obtain required permits and inspections for fence. **Count 2:** Failure to obtain Certificate of Appropriateness for fence.

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

45

**Case # 13-57**

KWSC, Inc.

DBA Adult Entertainment Club

Yuliya Andrews, President

Robert Goldman, P.A.

210 Duval Street

Sec. 18-415 Restrictions in the historic districts - **Repeat Violation**Sec. 18-441 Required - **Repeat Violation**

Officer Jim Young

Certified Service: 7-11-2016 - Robert Goldman, P.A.

Initial Hearing: 1-30-2013

**Irreparable Violation****Continued from August 31, 2016****Count 1:** Off premise canvassing on Duval Street which is prohibited.**Count 2:** Failure to obtain off premise canvassing license.

Robert Goldman represented KWSC, Inc. He was concerned that Assistant City Attorney was representing the code officers and talked about Chinese Wall. Also stated that Judge Koenig ruled that there is an obvious fundamental due process violation. Mr. Ramsingh feels that the new amended ordinance will correct that. Magistrate Yates agreed that there is a conflict of interest but will not dismiss this case with prejudice. He asked Mr. Ramsingh for a memorandum and gave him 45 days. Mr. Goldman was given 5 days after that to respond. Case was taken under advisement.



46

**Case # 13-1011**

David &amp; Marjorie A Rodriguez

1819 Venetia Street

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

Sec. 90-363 Certificate of occupancy required

Officer Jim Young

Certified Service: 6-18-2016

Initial Hearing: 7-27-2016

**In compliance September 28, 2016, request dismissal**

**Count 1:** This property is being rented without the benefit of a non-transient business tax receipt. **Count 2:** This property has not been issued a certificate of occupancy.

The Special Magistrate granted the request to continue this case to September 28, 2016.

47

**Case # 13-1012**

David &amp; Marjorie A. Rodriguez

1823 Venetia Street

Sec. 66-87 Business tax receipt required

Sec. 90-363 Certificate of occupancy required

Officer Jim Young

Certified Service: 6-18-2016

Initial Hearing: 7-27-2016

**Continued from September 28, 2016**

**Count 1:** This property is being rented without the benefit of a non-transient business tax receipt. **Count 2:** There is no certificate of occupancy for the subject property.

The Special Magistrate granted the request to continue this case to September 28, 2016.

48

**Case # 09-1501**

Wells Fargo Bank, NA  
c/o Select Portfolio Servicing  
Choice Legal Group PA  
908 Trinity Drive 4  
Sec. 14-37 Building permits, professional plans, display of permits  
Officer Jim Young  
Certified Service: 7-29-2016 - Select Portfolio Servicing  
Certified Service: 7-28-2016 - Choice Legal Group  
Initial Hearing: 3-30-2016

**In compliance September 20, 2016, pending fees**

**FYI:** On May 10, 2011, Planning Department received a variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side and rear yard setback requirements. The variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission.

The construction of the accessory unit, if a permit was submitted, would not have been approved for the above reasons. This accessory unit must be demolished to bring this property into compliance.

**Count 1:** An exterior unit was built in the rear yard setback without benefit of a building permit and inspections. **Count 2:** An interior unit was built on the second floor using part of the rear open deck and a stairway was built to access this unit.

**The Special Magistrate granted the request to continue this case to September 28, 2016.**

49

**Case # 16-562**

Overseas Radio, LLC  
Guy deBoer, Registered Agent  
Neil Willets, MGRM  
City's Right of way, Duval Corridor  
Sec. 106-56 Use of Streets and Sidewalks  
Officer Jim Young  
Posted: 5-20-2016  
Initial Hearing: 7-27-2016

**In compliance August 22, 2016, request dismissal**

**Counts 1 through 42:** Unlawful to use city right of way for advertising or display purposes as provided in subpart B. Forty-two repeat violations.

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

**Liens**

50

**Case # 16-1033**

Tina Marie Godfrey  
Fogarty Avenue & 3rd Street  
Sec. 42-1 (c) Offenses under state law  
Hand Served: 9-1-2016

**Continued from September 28, 2016**

**The Special Magistrate granted the request to continue this case to September 28, 2016 for service.**

**HARC Appeals**

51

**SMA 15-02**

Far Niente, LLC  
Eric Detwiler and Elizabeth Ford  
Walter S. Szot and Dawn Szot  
David M. Keller and Janine C. Keller  
G.C.J., LLC  
Land Trust #426KW dated 2/11/2010  
Duck and Dolphin Antiques, LLC  
Conch Republic Cycle, LLC  
Bike Fit Key West, Inc.  
616 Eaton Street

**Mr. Bart Smith withdrew the motion for bond for the property owners. Mr. Wayne LaRue Smith, for Far Niente, etc. stated this court does not have jurisdiction - court overturned. Mr. Bart Smith stated that there is only one matter before the court today which is mute. Mr. Wayne LaRue Smith agrees with Mr. Goldman about the Assistant City Attorney representing Code Compliance. Magistrate Yates stated that he has done everything he can and can't do anymore until the appellate process is done.**

**Mitigations**

52

**Case # 16-690**

Kenneth J Michels  
1312 4th Street  
a.k.a. 2203 Harris Avenue

**The Special Magistrate asked if compliance had been achieved within sixty days and it was. He approved reducing the fines/fees of \$500 to \$100. Payment has been received.**

**Adjournment**