



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final - Final

### Code Compliance Hearing

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Wednesday, July 25, 2018

1:30 PM

City Hall

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#### Call Meeting to Order

#### Code Violations

1

#### Case # 18-669

Banyan Tree Gallery and Cuban Leaf Cigar  
William Bell  
310 Duval Street  
Sec. 58-68 Commercial Solid Waste Account  
Officer Bonnita Badgett  
Certified Service: 6-22-2018  
Initial Hearing: 7-25-2018

#### In compliance 25 June 2018; request dismissal

**Count 1:** Failure to obtain a commercial solid waste account for both businesses.

The Special Magistrate granted the request to dismiss this case.

2

**Case # 18-716**

Zelma B. Dawson

2433 Linda Avenue

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

Sec. 62-31 Maintenance of area between property line and adjacent paved roadway

Officer Bonnita Badgett

Certified Service:

Initial Hearing: 7-25-2018

**Request continuance to 29 Aug 2018 for service**

**Count 1:** The subject property is very unsightly with trash in the yard and overgrown. **Count 2:** The subject property between the property line and pavement has weeds and overgrown trees hanging over the city right of way. The fence is down in places onto city property, very unsightly and obstructing the city right of way.

**The Special Magistrate granted the request to continue this case to August 29, 2018 for service.**

3

**Case # 18-244**

Antonio Manuel Herce III

Patricia Lee

635 United Street Front

Sec. 14-40 Permits in historic districts

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

Officer Wherden Charles

Certified Service: 5-7-2018

Initial Hearing: 5-30-2018

**Continued from 30 May 2018**

**Count 1:** The renovation of this property shows that the window units were relocated to the walls of the home which are visible from the right of way without HARC approval. **Count 2:** The relocated window units to the wall required removal of a portion of the wall which did not have a building permit.

Todd Herce represented the respondents. Officer Wherden Charles for the city. Mr. Herce gave testimony stating they would like a continuance as they have applied for the permits and are working towards compliance. Mr. Herce asked for 15 days. Officer Charles stated 30 days was okay. The Special Magistrate granted 30 days to come into compliance.

4

**Case # 18-357**

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

**Continued from 30 May 2018**

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

The respondent did not appear. The Special Magistrate asked if there was proper service. Mr. Ramsingh, Chief Assistant City Attorney, stated there is email for good service and Director Young can provide that to you. This is a tree commission settlement that was not complied with. Officer Wherden Charles for the City and Karen DeMaria Urban Forestry for the city of Key West are in attendance. Mr. Ramsingh asked for the Special Magistrate to find that he was aware and did received proper service for today's hearing and that he find that Mr, Sunderman has failed to comply with the compliance settlement agreement with the Tree Commission and to impose the terms of said settlement agreement within 30 days. If he does not come into compliance then there should be \$250 per day per count fine for not complying with the settlement agreement. We could report back in 30 days with the status. Also \$250 in costs. The Special Magistrate asked if he was given notice about today's hearing and Wherden stated yes. Director Young asked Mary Anderson, Recording Secretary, if she sent a letter for this hearing and she stated yes that she sent a letter stating that this was a continued hearing. The Special Magistrate asked the city's pleasure. Mr. Ramsingh stated that the Judge finds there has been proper service and impose the terms of the settlement agreement which are the payment of \$500 fine to the city of Key West tree fund and the planting of one coconut palm 8ft tall at the violator's expense with approval from the property owner. If those terms are not met within 30 days then a \$250 fine per day and \$250 court costs. The Special Magistrate found that there was proper notice of today's hearing and proper service. The Special Magistrate imposed \$250 fine per day and \$250 costs. The Special Magistrate imposed strict compliance with the settlement agreement and as requested 30 days to come into compliance.

5

**Case # 18-633**

Janice Isherwood  
523 Elizabeth Street  
Sec. 26-32 Nuisances illustrated  
Officer Wherden Charles  
Posted: 6-21-2018  
Initial Hearing: 6-27-2018

**Repeat Violation**

**In compliance 24 Jul 2018; Request dismissal**

**Count 1:** Failure to remove substances that emit or cause foul, obnoxious, unhealthful or disagreeable odor or effluvia from the residence. This is a repeat violation Case# 17-869.

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

6

**Case # 18-730**

David Cunningham  
428 Greene Street  
Sec. 110-292 Failure to achieve a compliance agreement  
Officer Wherden Charles  
Certified Service:  
Initial Hearing: 7-25-2018

**Request continuance to 29 August 2018 for service**

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

**The Special Magistrate granted the request to continue this case to August 29, 2018 for service.**

7

**Case # 18-641**

William Larose

2750 North Roosevelt Boulevard

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

Sec. 18-15 Certificate of Competency required

Officer Sophia Doctoche

Certified Service: 6-1-2018

Initial Hearing: 6-27-2018

**Continuance granted to 29 August 2018****Count 1:** An unlicensed contractor doing electrical work without a permit.**Count 2:** Engaging in business without being a licensed contractor.

The Special Magistrate granted the request to continue this case to August 29, 2018.

8

**Case # 18-776**

Gary Roberts

3308 Duck Avenue

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

Certified Service: 6-11-2018

Initial Hearing: 7-25-2018

**New Case**

**Count 1:** Advertising to be a contractor without a certificate of competency. **Count 2:** Failure to obtain the required license for the contracting of business in the City of Key West.

The respondent did not attend the hearing. Officer Sophia Doctoche gave testimony stating she located him advertising as a licensed contractor. This is a repeat case and the last case was April of this year. As of yesterday, Officer Doctoche is still able to locate his advertisements. The city asked for a finding of the violation with \$250 administrative costs and \$250 per day per count fine. The Special Magistrate states there is proper service and finds there is a violation of both counts with \$250 costs and \$250 per day per count. The city requests two weeks for compliance. The Special Magistrate granted the request to the 10th of August for compliance at 5 o'clock.

9

**Case # 18-796**

Frank Joseph  
1612 Bertha Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-42 Construction site requirements  
Officer Sophia Doctoche  
Certified Service: 6-28-2018  
Initial Hearing: 7-25-2018

**In compliance 30 June 2018; request dismissal**

**Count 1:** Stop Work Order placed for newly installed fence posts for a new fence and pavers installed without the benefit of required permits.

**Count 2:** Continuing work with a Stop Work Order posted without the benefit of required permits.

The Special Magistrate granted the request to dismiss this case.

10

**Case # 18-849**

Child Life Society  
Chaim A. Wolkenfeld  
1000 17th Street  
Sec. 110-292 Failure to achieve a compliance agreement  
Officer Sophia Doctoche  
Posted: 7-5-2018  
Initial Hearing: 7-25-2018

**Continuance granted to 29 August 2018**

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

The Special Magistrate granted the request to continue this case to August 29, 2018.

11

**Case # 18-866**

Zachary Humphries

14 D 10th Avenue

Sec. 18-150 Certificate of competency required

Sec. 66-87 Business tax receipt required

Officer Sophia Doctoche

Certified Mail: 7-12-2018

Initial Hearing: 7-25-2018

**New Case**

**Count 1:** Advertising to be a contractor without the required certificate of competency. **Count 2:** Holding himself out for business in the City of Key West without procuring a city business tax receipt.

The respondent did not attend the hearing. Officer Sophia Doctoche gave testimony stating during routine inspection of Key West Yard Sale she located an advertisement for handyman work by Mr. Humphries. He is not recognized as a contractor and does not have a business tax receipt. Officer Doctoche met with Mr. Humphries and he gave her a quote for work. The Special Magistrate stated that there is no one here for the respondent. He asked what is the City's pleasure. Officer Doctoche stated \$250 per count. The Special Magistrate found that there is a violation with \$250 costs and \$250 per count per day with compliance by August 10, 2018 by 5 o'clock.

12

**Case # 18-899**

Lance Andrew Harvey

1313 Eliza Street

Sec. 122-237 Prohibited uses

Officer Sophia Doctoche

Certified Service: 7-11-2018

Initial Hearing: 7-25-2018

**Settlement Agreement**

**Count 1:** Performing a car detailing business on the city right of way in a single-family residential zoned area.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 were imposed with a fine of \$250 and a suspended fine of \$1,000.



13

**Case # 16-1707**

Terence Schmida  
Joanna M Schmida Rev Trust DTD  
Walter G Schmida Rev Trust DTD  
3301 Duck Avenue C  
FBC 1612.4 Flood Hazard Construction  
Sec. 90-356 Building Permit Required  
Sec. 90-363 Certificate of Occupancy  
~~Sec. 14-74 Nuisances - Dismissed~~  
FBC 1612.4 Flood Hazard Construction -  
Officer Scott Fraser  
Certified Service: 8-17-2017 - W. Schmida  
Initial Hearing: 8-30-2017

**Continued from 27 Jun 2018 for compliance**

**Count 1:** Within FEMA designated AE-7 flood zone, interior space at ground level has been enclosed and said areas are actively being used for purposes other than the permitted uses for storage, parking or access to higher building levels. **Count 2:** Construct or allow to be constructed without the required building permits enclosed ground-floor areas for habitation. **Count 3:** Allowed occupancy of enclosed areas below the established flood level- constituting an unauthorized change of use from parking and storage to habitation; said enclosed areas not having been issued a certificate of occupancy, as required. **Count 4:** ~~Front-of-property exists a dilapidated wooden fence with concrete posts, both of which have deteriorated to the point where they present a danger from falling or collapse and injury to the occupants, neighbors and passers by.~~ **Count 5:** Construct or allow to be constructed an enclosed area below the established floor level without benefit of the required permits a patio area at the rear of this building.

**Brett Smith, Attorney, representing the respondents. Ron Ramsingh, Chief Assistant City Attorney, on behalf of the City of Key West. Mr. Ramsingh stated the he and Mr. Smith have agreed to continue compliance for another 30 days as they have recently obtained permits and secured a contractor. Since the order from the Circuit Court was issued on July 3, it is reasonable to expect another 30 days for compliance. Mr. Smith agreed to the 30 days. The Special Magistrate granted the request for 30 days and to come back on 29 August 2018 for next hearing.**

14

**Case # 18-269**

Larry O Strom - President

Nathan Eden ESQ

Jack Niles

Marino Construction Group, Inc

3500 North Roosevelt Boulevard

Sec. 90-356 Building permit required

FBC 1612.4 Flood hazard construction & ASCE 24-05 Unprotected  
enclosed below design flood elevation

Officer Scott Fraser

Certified Service:

Initial Hearing: 7-25-2018

**Continuance granted to 29 August 2018**

**Count 1:** Construct a non-residential steel-framed metal clad building absent the required building permits. **Count 2:** Within a FEMA delineated type AE-9 flood zone, allow the construction of a non-residential steel-framed metal clad building below the minimum flood safety elevation in the Special Flood Hazard Area.

**The Special Magistrate granted the request for continue this case to August 29, 2018.**

15

**Case # 16-1414**

Stafford Family Trust

724 Olivia Street

Sec. 90-363 Certificate of occupancy - required

Sec. 90-356 Building permits required

Sec. 58-61 Determination and levy of charge - **Request dismissal; In compliance 18 Jul 2018**

Officer Leonardo Hernandez

Certified Service: 8-24-2017

Initial Hearing: 9-27-2017

**Continued from 25 Apr 2018**

**Count 1:** For failure to obtain a certificate of occupancy for the second unit. **Count 2:** For failure to obtain building permits to convert the second floor into another unit, adding a kitchen and converting the attic into a bedroom. **Count 3:** For failure to pay for the solid waste charges for the second unit.

William Stafford attended representing Stafford Family Trust. Mr. Ramsingh, Chief Assistant City Attorney, asked for the position in the family trust. The Special Magistrate asked Mr. Stafford's position in the estate. Mr. Stafford stated he was the executor of the estate. Special Magistrate asked if he is the trustee for the Stafford Family Trust and if he had documents to prove that. Mr. Stafford said he did but not with him. Special Magistrate asked him to forward them to the city in the next 5 days to a week. The city request dismissal of count 3 and the Special Magistrate granted it. Officer Leonardo Hernandez gave testimony. Mr. Stafford stated he hired a person yesterday and he was in contact with the city. The contractor is Richard Divoll. Officer Hernandez stated the contractor will get an as-built certificate and once that is done the Stafford Family needs to come in and get the occupational license; and that will suffice the case to be in compliance. Mr. Stafford is asking for 30 days to achieve compliance. The Special Magistrate granted the request to continue the case to 29 August 2018. The city asked for court costs and the Special Magistrate stated we will deal with that all at one time when they come back.

16

**Case # 17-885**

Carolyn C. Helliesen

Douglas A. Helliesen

1221 Laird Street

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

Officer Leonardo Hernandez

Certified Service: 5-4-2018

Initial Hearing: 5-30-2018

**Continued from 27 Jun 2018**

**Count 1:** After-the-fact permit application for upstairs walkway/porch has been in call back status since June 23, 2017 due to the property owners not providing the required supporting documentation.

Carolyn Helliesen attended this hearing. Officer Leonardo Hernandez gave testimony stating they were approved for the variance and are awaiting the resolution to be drafted in order to get the after-the-fact building permit. Mr. Helliesen stated she has been very compliant with the city in a very timely manner and was approved by the Planning Board last week. She is asking for a continuance for 30 days. Special Magistrate asked if the city has any objection and Officer Hernandez stated no. The Special Magistrate granted the request for continuance to 29 August 2018.

17

**Case # 18-155**

Todd &amp; Tonya Feit

3343 Flagler Avenue 33

Sec. 14-262 Request for inspection

Officer Leonardo Hernandez

Certified Service: 6-6-2018

Initial Hearing: 6-27-2018

**In compliance 23 July 2018, request dismissal**

**Count 1:** Failure to obtain a final inspection with approval for after-the-fact electrical permit to be closed out.

The Special Magistrate granted the request to dismiss this case.

18

**Case # 18-310**

Carmar Transportation, Inc  
Margaret C. Scholl - Owner  
United Stated Corp. Agents, Inc. - Registered Agent  
1300 White Street  
Sec. 78-126 Required  
Sec. 78-91 Required  
Officer Leonardo Hernandez  
Certified Service: 6-5-2018 - Owner  
Initial Hearing: 6-27-2018

**Continuance granted to 29 August 2018**

**Count 1:** Failure to obtain required passenger vehicle for hire license.

**Count 2:** Failure to obtain passenger vehicle for hire driver's permit.

**The Special Magistrate granted the request to continue this case to August 29, 2018.**

19

**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 27 Jun 2018****Count 1:** Failure to obtain an after-the-fact building permit for interior framing of shed and dock behind shed.

Mr. Sireci attended as one of the respondents. Officer Leonardo Hernandez attended as the code officer. Ron Ramsingh, Chief Assistant City Attorney, attended as representative for the City of Key West and stated Mr. Sireci will be asking for a continuance and the City does not object for one month. The Special Magistrate stated that previously there was an order imposing a lien and after reviewing there was some procedural errors that occurred. The Special Magistrate vacated the order and it will be put back on active status. Mr. Sireci gave testimony asking for a continuance. He asked for more than 30 days as they are working with the Army Corp. of Engineers and it will take longer, possible months, to resolve the issues with the Corp. He is asking for the maximum time that the court will grant and will come back with an update or hopefully will be done at that time. Mr. Ramsingh stated he understands the complexities of DEP and Army Corp. The City would like 30 days because it is an after-the- fact but will not object to 60 days. The Special Magistrate granted a 60-day continuance. Mr. Sireci can give the court status on the case or have it resolved by that time.

20

**Case # 18-745**

Ronit Berdugo - Violator

Brian Behar, ESQ. - Registered Agent

The Oaks Key West LLC - Property Owner

330 Julia Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulationsSec. 122-1371 D (9) Transient living accommodations in residential  
dwellings; regulations - **Counts 3 - 27**

Officer Leonardo Hernandez

Certified Service: 6-21-2018 - Registered Agent

Initial Hearing: 6-27-2018

**Repeat Violations****Continuance granted to 29 August 2018**

**Count 1:** Subject property held out for short term rental without the benefit of a transient rental license. **Count 2:** Subject property holding out/advertising for short term rental without the benefit of the required city, county and state licensing. Subject property does not have a transient medallion and has not been inspected by the City of Key West Fire Department. **Counts 3 - 27:** Subject property is holding out for transient rental for 27 nights the dates of 3 Jun 2018 thru 30 Jun 2018 for a total of \$3,529.00.

**The Special Magistrate granted the request to continue this case to August 29, 2018.**

21

**Case # 18-910**

Collage Beauty

Aviv Shmuel - Registered Agent

Maor Illouz - Authorized Person #1

Raziel Buchris - Authorized Person #2

211 Duval Street Company - Building Owner

211 Duval Street A

Sec. 18-441 Required

Officer Leonardo Hernandez

Certified Service: 6-29-2018 - Registered Agent

Certified Service: 6-29-2018 - Collage Beauty

Certified Service: 6-29-2018 - Authorized Person #2

Certified Service: 6-29-2018 - Authorized Person #1

Initial Hearing: 7-25-2018

**Repeat Violation****City request dismissal**

**Count 1:** Off-premise canvassing without required valid off-premise canvassing permit. This is a repeat violation - Case# 17-483 & 17-1554.

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



22

**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 27 Jun 2018**

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

Richard McChesney, attorney, on behalf of the property owners. Officer Beau Langford for the city. Mr. McChesney gave testimony stating we are in agreement with the city. An easement application has been applied for and essentially ready to go the commission but there is a propane tank located on the right of way. They do have a permit to get it moved but are having difficulties getting the contractor to revise the permit. We are going to take a finding of the violation in exchange for a little bit of leniency on the compliance date given the issues we have had with the permit. Mr. Ramsingh, Chief Assistant City Attorney, stated that is correct and asked Mr. McChesney if he wanted to start with 60 days. He said that would be good. Mr. Ramsingh stated \$250 costs and \$250 per day if not in compliance within 60 days. The city would stipulate that is if they are exercising due diligence after 60 days we could look into extending that. The Special Magistrate stated there is an admission to the violation with \$250 costs and \$250 per day with 60 days compliance. We will be back on 26 September 2018.

23

**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 27 Jun 2018**

**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.

The respondent did not appear. Officer Langford gave testimony stating the property owner Mark Delgado passed away in early 2017 and we were waiting for the property to go through probate. The probate of the property is over and is owned by Brittany Delgado. We amended the notice and served her. The house is occupied. The city states that since there has been no application for a LUD on the extra unit, the city would ask for \$250 court costs and \$250 per count of three counts per day. The Special Magistrate found there is a violation with \$250 costs with proper service to Brittany Delgado with \$250 per day per count with 30 days compliance.

24

**Case # 16-1336**

Douglas Whitman - Owner  
Suburban Propane  
1317 Newton Street  
Sec. 14-31 Adopted construction codes  
Officer Beau Langford  
Certified Service: 5-30-2018 - Owner  
Certified Service: 5-30-2018 - Suburban Propane  
Initial Hearing: 7-25-2018

**In compliance 8 Jun 2018; request dismissal**

**Count 1:** Failure to secure propane tank against buoyancy in a FEMA designated AE-6 flood zone.

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

25

**Case # 17-1146**

Jordan James & Sara Key  
1309 Newton 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  
Officer Jorge Lopez  
Certified Service: 3-26-2018  
Initial Hearing: 4-25-2018

**Continuance granted to 29 Aug 2018**

**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 continuance to 29 August 2018. The Special Magistrate asked Mr. Ramsingh, Chief Assistant City Attorney, if he knew anything about this case. He stated it was an air conditioning case with Attorney John Marston but as far as anything since the last hearing he was not told of anything about continuance. The Special Magistrate said he just wanted to know because it was such an old case.**

26

**Case # 17-1203**

Browning Family Irrevocable Trust  
Michael Leo Browning  
1300 White Street  
Sec. 78-126 Required  
Sec. 78-91 Required  
Officer Jorge Lopez  
Certified Service:  
Initial Hearing: 6-27-2018

**Continued from 27 Jun 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.

The respondent did not attend. Ron Ramsingh, Chief Assistant City Attorney, stated that this case is directly tied to another case on your agenda Margaret Scholl case# 18-310 for taxi cab licenses. These two cases are parallel having interest in the same company. Mr. Ramsingh asked Mary Anderson, Recording Secretary, if she had received any request for a continuance. She said no. As Mr. Browning is on the Planning Board, he would like to afford him some courtesy regarding any request for continuance of this case. The owner of the vehicles is tied to Mr. Browning and Ms. Scholl. Jeffery Burgess can explain further. Jeffery Burgess, Chief Licensing Official, gave testimony that Ms. Scholl last year bought three independent taxes which consisted of 6 vehicles. According to the ordinance, an individual can only own 1 independent taxi license and are allowed to have two vehicles under that which is one regular vehicle and one ADA vehicle. The licenses from Browning are the licensing that Ms. Scholl wanted transferred into her name, but the ordinance does not allow us to do that. This license has been delinquent for over a year. Mr. Ramsingh stated they are still operating but they do not have their license. Mr. Burgess said that is correct. The Special Magistrate asked if resolution of 18-310 is tied to resolution of 17-1203. Mr. Ramsingh said yes and no with meetings with Ms. Scholl about this and would not like to go too much into it without Mr. Smith, Ms. Scholl's attorney. If Ms. Scholl's case is resolved than it would take care of this case for compliance. The Special Magistrate stated since they are somewhat intertwined, he would prefer to hear them the same day and the city agrees. The Special Magistrate gave a continuance even though there is no one here for the respondent to 29 August 2018. There will be no further continuances for this as he wants to hear what everyone has to say as this is a public safety issue.

27

**Case # 17-1213**

Erwin Mayer &amp; 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 29 August 2018****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 August 29, 2018.**

28

**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

**New Case**

**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.

Anwar J. Dudley attended for the respondent Home Depot U.S.A Inc. Officer Jorge Lopez gave testimony for noise complaint. This is regarding the noise from the generator. A violation was found. Home Depot installed sound approved equipment around generator and a second sound check reading was done but they were still in violation. The Home Depot is working on getting a noise barrier installed. Mr. Dudley explained what the sound barrier is, and Home Depot is asking for a 90-day continuance to install the barrier. The Special Magistrate asked if the city has an objection to the 90-day continuance and Officer Lopez stated the city would like 60 days and they can come back and give an update of the progress. The city will consider another 30 days if progress is going well. The Special Magistrate stated he will agree to the 60 days to make sure that Home Depot is on track. Mr. Ramsingh, Chief Assistant City Attorney, would like clarification as to Mr. Dudley's title and if he has authorization from Home Depot USA Incorporated to represent them on this case. The Special Magistrate asked the respondent his name and his position which he stated was Anwar J. Dudley, assistant store manager. The Special Magistrate asked if he had authority to represent Home Depot USA. Mr. Dudley stated he was given authorization by his store manager who could not make it. The Special Magistrate asked if he had it in writing and Mr. Dudley stated no. The Special Magistrate asked Mr. Dudley to get it in writing on the Home Depot letterhead and bring it to the City to make sure we are dealing with the right person. Please make sure you get that to the city in the next 5 to 6 days.

29

**Case # 18-185**

Wild Sales II, Inc.  
Noam Zano - Registered Agent  
291 Front Street 8  
Sec. 114-103 Prohibited signs  
Officer Jorge Lopez  
Certified Service: 5-7-2018  
Initial Hearing: 5-30-2018

**Continued from 30 May 2018**

**Count 1:** Observed prohibited signs on the windows and on the exterior doors of this building.

Noam Zano attended this hearing. Officer Jorge Lopez gave testimony. Officer Lopez stated that a HARC application was applied for on July 17, 2018 which is still pending to be reviewed. Mr. Zano gave testimony stating that he just received an email from Kelly Perkins, Key West HARC, that she is going tomorrow to measure the sign. Mr. Zano is asking for another 30 days to come into compliance. He stated that what was not in compliance has been removed and what is there now needs to be approved by HARC. The Special Magistrate asked if the city has any objection to a continuance. Officer Lopez said no. The Special Magistrate granted the request to continue the case to 29 August 2018. The Special Magistrate stated this will be the last continuance.

30

**Case # 18-241**

Theresa Cioffi

Wilmington Trust Company

CT Corporation System

3222 Riviera Drive

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

Sec. 122-238 Dimensional requirements

Sec. 90-363 Certificate of occupancy - Required

Sec. 58-61 Determination and levy of charge

Sec. 26-32 Nuisance illustrated

Officer Jorge Lopez

Certified Service: 6-15-2018 - CT Corporation System

Certified Service: 7-17-2018 - Theresa Cioffi

Initial Hearing: 5-30-2018

**Continuance granted to 26 Sept 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:** The detached unit located in the rear side of the property has not been issued the requisite certificate of occupancy. **Count 4:** This unit has not paid impact fees related to utilities. **Count 5:** Observed the pool with stagnant water.

**The Special Magistrate granted the request to continue this case to September 26, 2018.**



31

**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

**Continued from 27 Jun 2018**

**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.

Alon Croitoru attended this hearing. Officer Jorge Lopez for the City. Mr. Croitoru gave testimony that he is asking for a continuance as he is going out the country the next month. The city has no objection for the continuance as the city would like to give him the opportunity to take this to the HARC commission to see if he can get HARC approval. They asked for 60 days as the September HARC meeting has not been set as there is a conflict with the city commission meeting. Mr. Ramsingh, Chief Assistant City Attorney, said we can set it for September and if there is a problem we could always report back for a continuance. The Special Magistrate granted the request for continuance to 26 September 2018.

32

**Case # 18-420**

La Grignote Inc.

Joel Odou - Registered Agent

1211 Duval St Down

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

Sec. 14-40 Permits in historic districts

Officer Jorge Lopez

Certified Service: 6-12-2018

Initial Hearing: 7-25-2018

**Continuance granted to 29 August 2018**

**Count 1:** Three signs were installed without the required building permits. **Count 2:** Eight signs at this location were installed without a certificate of appropriateness.

The Special Magistrate granted the request to continue this case to August 29, 2018.

33

**Case # 18-537**

Bumble Bee Silver Co

Vinod Alwani

201 William Street

~~Sec. 66-102 Dates due and delinquent; penalties - Repeat Violation; In Compliance~~

Sec. 102-282 Outdoor display of goods

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

~~Sec. 14-40 Permit in historic districts - Dismissed~~

~~Sec. 2-939 Licenses - Dismissed~~

Officer Jorge Lopez

Certified Service: 4-13-2018

Initial Hearing: 5-30-2018

**In compliance 25 Jul 2018; Request closure**

~~Count 1: The subject business owner has not renewed their license which expired 30 September 2017. This is a repeat violation case# 17-979 - In compliance; No fine imposed on 30 May 2018 for this~~

~~count. Count 2: Observed merchandise located outside the store on the city's right of way. Count 3: Hanging sign installed without the required permit. Count 4: Hanging sign installed without obtaining a certificate of appropriateness. Count 5: Hanging sign installed without a revocable license.~~

Mr. Ramsingh, Chief Assistant City Attorney, gave statement that this is an outdoor display on city property and he is a city tenant. We are working with him to get approval. Director Young stated he has removed all the display and would like it dismissed. The Special Magistrate granted the request for dismissal.

34

**Case # 18-668**

Waterfront Brewery LLC.

Joseph Walsh - Registered Agent

201 William 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

Officer Jorge Lopez

Certified Service:

Initial Hearing: 7-25-2018

**Request continuance to 29 August 2018 for service**

**Count 1:** Speakers and lights installed on the exterior of the building without obtaining required permits. **Count 2:** Speakers and lights installed on the exterior of the building without obtaining certificate of appropriateness. **Count 3:** Speakers and lights installed at the subject property without the required permits and inspections.

**The Special Magistrate granted the request to continue this case to August 29, 2018 for service.**

35

**Case # 18-673**

John Cameron

Lara Schmidt

620 Thomas Street 178

Sec. 14-325 Permit required

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

Officer Jorge Lopez

Certified Service: 6-28-2018

Initial Hearing: 7-25-2018

**Continuance granted to 26 September 2018****Count 1:** Installation of the HVAC system without required permit.**Count 2:** The HVAC system was installed without required mechanical  
permit. **Count 3:** HVAC system was installed without certificate ofappropriateness. **Count 4:** HVAC installed without required permits and  
inspections.**The Special Magistrate granted the request to continue this case to September  
26, 2018.**

36

**Case # 18-882**

Alex's Auto Wrecking &amp; Parts, Inc.

Christine Rodriguez - Registered Agent

111 US 1

Sec. 70-706 New applications/renewals and issuance of non-consensual tow permit; fees

Officer Paul Navarro

Certified Service: 7-9-2018 - R/A

Initial Hearing: 7-25-2018

**New Case**

**Count 1:** Subject business has not submitted renewal of their non-consensual towing permit.

The respondent did not attend the hearing. Officer Paul Navarro gave testimony that the business has not renewed the non-consensual tow permit. Jeffery Burgess, Chief Licensing Official, stated the regulatory licenses for towing services were due to be renewed by June 30 with renewal letter received on May 18. The Code Compliance was sent out to remind them that if they did not renew by June 30 that their license could be void. She has not renewed as of today. The Special Magistrate asked for the city's pleasure. The city requests a finding of the violation with \$250 administrative costs and \$250 per day. The Special Magistrate stated there was good service on July 9, 2018. The Special Magistrate finds there is a violation with \$250 administrative costs and \$250 per day per count with 30 days for compliance.

37

**Case # 18-887**

Donna Moody

1328 South Street

Sec. 90-363 Certificate of occupancy - required - Apartment #1

Sec. 58-61 Determination and levy of charge - Apartment #1

Sec. 90-363 Certificate of occupancy - required - Apartment #2

Sec. 58-61 Determination and levy of charge - Apartment #2

Officer Paul Navarro

Certified Service:

Initial Hearing: 7-25-2018

**Continuance granted to 29 August 2018**

**Count 1:** Apartment #1, the requisite certificate of occupancy has not been applied for and obtained. **Count 2:** Apartment #1, the impact fees related to utilities have not been paid. **Count 3:** Apartment #2, the requisite certificate of occupancy has not been applied for and obtained. **Count 4:** Apartment #2, the impact fees related to utilities have not been paid.

**The Special Magistrate granted the request to continue this case to August 29, 2018.**

38

**Case # 17-1603**

Susan Lynn Williams Howanitz

809 Ashe Street

Sec. 108-680 Recreational Vehicles/Boats

Director Jim Young

Certified Service: 6-28-2018

Initial Hearing: 7-25-2018

**In compliance 17 July 2018; request dismissal**

**Count 1:** Having a boat on a trailer within plain view from the City right of way in the historic district.

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

**Mitigations**

**39**

**Case # 17-253**

Reverse Mortgage Solutions, Inc.  
Jeffery Baker, President  
3415 Duck Avenue

**No one appeared for the respondent. The Special Magistrate asked for the city's pleasure. Ron Ramsingh, Chief Assistant City Attorney, stated that the mitigation should be denied. The Special Magistrate stated that Reverse Mortgage Solutions request for mitigation is denied.**



40

**Case # 18-113**

Richard A. Dostal  
210 Truman Avenue

Richard Dostal attended for the mitigation of case#18-113. Officer Jorge Lopez for the city. Mr. Dostal is requesting a mitigation. He would like to extend this as he realized this is a bigger case than he thought and would like to obtain an attorney. The Special Magistrate and Officer Lopez stated that if this is extended it will increase the amount that can be mitigated to. Director Young stated Mr. Dostal had come into compliance and accrued a fine of \$5,000. He made an original offer and then made a second offer to mitigate the fine to \$250. The city placed him onto the agenda for the Special Magistrate to hear his request. According to the ordinance, the Special Magistrate can mitigate it down to 10% as he did come into compliance within 30 days. At the last hour, Mr. Dostal called the Code Compliance office and stated he now wants an attorney and a continuance. Director Young said that he needed to come to court to speak to the Special Magistrate about this. The Special Magistrate asked if Mr. Dostal still wants to get an attorney. Mr. Dostal asked if he understand that he can pay 10% of the original fine. The Special Magistrate stated he can mitigate it down to the 10% but it does not mean it will be 10% of the original fine. The Special Magistrate said it can be continued but as more time goes by the higher the mitigation percent is. Mr. Dostal stated he is asking for a 10% mitigation considering he had come into compliance. Mr. Dostal stated he came into compliance in the 60 days. Special Magistrate asked him why he deserves the mitigation. Mr. Dostal said other than what he explained, he doesn't know what he are asking. The Special Magistrate asked again why he did not want to pay the \$5,000 fine. Mr. Dostal stated that because he had come into compliance. Special Magistrate stated that Mr. Dostal extended past the time for compliance and accumulated a \$5,000 fine. It took him awhile to come into compliance and if the fine had not been imposed he would have never done it according to your previous testimony. Mr. Dostal said that he wants it to always be in compliance. He stated he only had 15 days to clean each house and the Special Magistrate did not understand that math. Special Magistrate asked if the city has an objection to a mitigation to a \$1,000. Director Young said the city will stand mute on this point because of the ordinance that is in effect. Ron Ramsingh stated that the Special Magistrate can go from 1% to 90% under 2-682B. The Special Magistrate told Mr. Dostal that during the course of the hearing you were kind of fighting about cleaning up the yard and you ask for mitigation and he does not think that 10% is fair. The Special Magistrate said he will reduce it to \$1,000 but that is it or we can continue it and he bring back an attorney. Mr. Dostal asked that then the fine will be higher and he was told that the fine will not go higher as it is already set. The Special Magistrate stated that the mitigation amount can change. Mr. Dostal agreed to the \$1,000 fine. The Special Magistrate agreed to the mitigation of the fine to \$1,000. There is a payment time of 30 days.

**Adjournment**