



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

Code Compliance Hearing

Wednesday, August 28, 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 # 18-1922

3314 Northside Dr. 29 LLC

Joanne Tarantino Wilson

3314 Northside Drive 29

Sec. 90-363 Certificate of occupancy required

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

Officer Bonnita Badgett

Posted: 8-2-2019

Initial Hearing: 7-31-2019

Continuance granted to 25 Sept 2019

Count 1: An "As built certificate" or other means of proof is needed to show the unit meets the Florida Building Code as is required for the process of the Legal Unit Determination for the 2nd Unit. **Count 2:** Apply for and obtain a business tax receipt as is required for the process of the Legal Unit Determination for the 2nd Unit if being rented out.

The Special Magistrate granted the request to continue this case to 25 September 2019.

2

Case # 18-2089

Duval and Caroline, LLC

Joseph Walsh

429 Caroline Street

~~Sec. 66-109 Schedule of taxes -~~ **Dismissed**

Sec. 14-40 Permits in historic districts

Officer Sophia Doctoche

Posted: 4-30-2019

Initial Hearing: 4-24-2019

Continued from 27 June 2019 for compliance

~~Count 1: Failure to obtain seating authorization for the seats located at the subject property. -~~ **Dismissed.** **Count 2:** Failure to apply for and obtain an after the fact certificate of appropriateness for the subject property.

No one attended for the respondent. Officer Sophia Doctoche gave testimony that this is a compliance hearing. Enid Torregrossa met with One Call Construction and they provided no pictures at the initial meeting and they met last week with the promise of getting permits and there are no permits applied for. The permits that they did apply for are still in review. Enid Torregrossa (HARC planner) gave testimony that after the unproductive meeting they met on 1 August 2019 at the building and walked through. She did find problems and the construction company stated they were going to work towards what was discussed at the site visit with plans. As of yet, they have not received anything yet. The Special Magistrate stated there is competent, substantial evidence that there is noncompliance and the respondent failed, refused or neglected to attend this meeting despite proper notice. The Special Magistrate finds him noncompliant. Officer Doctoche asked for the fines to start today 28 August 2019 for Sec. 14-40. The Special Magistrate stated the fine of \$250 per day for one count will start tomorrow 29 August 2019.

3

Case # 19-270

Sasi Moshe
3312 Northside Drive #606
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Certified Mail: 7-18-2019
Initial Hearing: 8-28-2019

In compliance 27 July 2019; Request dismissal

Count 1: Failure to pay the subject business tax receipt which was due on 30 September 2018.

The Special Magistrate granted the request for dismissal. In compliance 27 July 2019.

4

Case # 19-835

ABC Key West Rentals
Dennis Saviano - Registered Agent
301 Duval Street
Sec. 18-354 Permits required; application; franchise fees
Officer Sophia Doctoche
Certified Mail: 7-25-2019
Initial Hearing: 8-28-2019

In compliance 23 July 2019; Request dismissal

Count 1: Failure to complete the annual recreational vehicle inspection.

The Special Magistrate granted the request to dismiss this case. In compliance 23 July 2019.

5

Case # 19-845

Sunshine Scooters, Inc.

Jon Brenner - Registered Agent

1910 North Roosevelt Boulevard

Sec. 18-354 Permits required; application; franchise fees

Officer Sophia Doctoche

Certified Mail: 7-25-2019

Initial Hearing: 8-28-2019

In compliance 23 July 2019; Request dismissal**Count 1:** Failure to complete the annual recreational vehicle inspection.**The Special Magistrate granted the request to dismiss this case. In compliance 23 July 2019**

6

Case # 19-572

Yuniesky Enterprise LLC

Yosbani Fundora

410 Avenue A, Big Coppitt Key

Sec. 66-102 Dates due and delinquent; penalties

Officer Lindsey Dunlap

Certified Mail: 5-30-2019

Initial Hearing: 6-27-2019

Request to Vacate Findings and Order; and Dismissal of Case**Count 1:** Subject business owner has not renewed their business tax receipt which expired 30 September 2018.**Officer Lindsey Dunlap gave testimony that Sunbiz has not been renewed since 2017 and she has not been able to find any advertising or any evidence of them still being in business or working in Key West. The City is requesting vacate of the Findings of Fact. The Special Magistrate granted the request to dismiss the Findings of Fact from 27 June 2019 and dismiss the case at the City's request without objection.**

7

Case # 19-889

A&M Mart Inc

Anwar Hossain

648 William Street

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

Sec. 14-40 Permits in historic districts

Officer Lindsey Dunlap

Certified Mail: 7-22-2019

Initial Hearing: 8-28-2019

In compliance 28 Aug 2019; Request dismissal

Count 1: Failure to obtain Building Permit for wall mounted outdoor lights. **Count 2:** Failure to obtain a HARC Certificate of Appropriateness.

The Special Magistrate granted the request to dismiss this case. In compliance 28 August 2019

8

Case # 17-1213Erwin Mayer & Didier R Moritz - **Request dismissal**

Jean Lefils Bien - Tenant

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

Officer Edward Keane

Certified Service: 11-16-2017

Certified Service: 7-9-2019 - Amended - Tenant

Certified Service: 7-15-2019 - Amended - Property Owner

Initial Hearing: 12-20-2017

Continuance granted to 30 October 2019

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. **Count 4:** For failure to obtain building permits for the addition to the trailer and for the installed plumbing.

The Special Magistrate previously granted the request for continuance to 30 October 2019. The Special Magistrate asked if the City is requesting a dismissal of Erwin Mayer and Didier Mortiz. Director Young stated yes. The Special Magistrate stated at the City's request and without objection, he will grant the dismissal of Erwin Mayer and Didier Mortiz from the case. The Special Magistrate stated that he has read the statute and he is not sure that he agrees with the interpretation of it but they are dismissed.

9

Case # 19-863

Lil' Lepouski

John Lepouski

722 Duval Street

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

Sec. 14-40 Permits in historic districts

Sec. 2-939 Revocable licenses

Sec. 114-103 Prohibited signs

Officer Edward Keane

Certified Mail: 8-23-2019

Initial Hearing: 8-28-2019

Continuance granted to 25 Sept 2019

Count 1: Failure to obtain permits for installed signs. **Count 2:** Failure to apply for and obtain the HARC permits for installed signs. **Count 3:** Failure to obtain a revocable license for an installed sign over the public right of way. **Count 4:** Failure to remove prohibited signs.

The Special Magistrate granted the request to continue this case to 25 September 2019.

10

Case # 19-911

Energy of Key West, Inc

Calas Group

716 Duval Street

Sec. 30-1 Fees for false alarms and fire code inspections

Officer Edward Keane

Certified Mail: 7-29-2019

Initial Hearing: 8-28-2019

In compliance 23 August 2019; Request dismissal

Count 1: Delinquent on their fire inspection fee for annual fire inspection on 29 March 2018 of Fifty Dollars (\$50).

The Special Magistrate granted the request to dismiss this case. In compliance 23 August 2019

11

Case # 19-807

C&V Multi Services Group Inc.

Josie Val - Registered Agent

3110 Flagler Avenue

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

Officer Paul Navarro

Certified Mail: 6-26-2019

Initial Hearing: 7-31-2019

In compliance 27 August 2019; Administrative fees pending

Count 1: Failure to apply for business tax receipts for all the services that are provided at the subject property.

There is compliance on 27 August 2019. The Special Magistrate stated there is a \$250 pending administrative fee. There will a compliance date of 23 September 2019 with compliance hearing on 25 September 2019 for payment of administrative fee.

12

Case # 19-955

Old Town Tavern Key West, LLC

David Kronenfeld - Registered Agent

900 Duval Street

Sec. 90-142 Historic Architectural Commission Design Guidelines
adopted

Officer Paul Navarro

Certified Mail: 7-26-2019

Initial Hearing: 8-28-2019

New Case

Count 1: Failure to remove unpermitted sign (A Frame) from the City's right of way.

No one attended for the respondent. Officer Paul Navarro gave testimony that on June 21 he received a complaint from his Director that Dana Dey complained about all the prohibited signs in the HARC district. He observed and photography the prohibited sign at this location. He spoke with the manager and gave them 48 hours to remove the sign. The sign was removed at that time but on July 16 the prohibited sign was placed on the City's ROW again. As of today, the sign is still on the City's right of way. Officer Navarro stated he has spoken with the managers but there is a lack of communication. The City is requesting a finding of the violation. The Special Magistrate stated there is competent, substantial evidence to find there is a violation. The City is only asking for a finding of the violation without cost or fines. The Special Magistrate granted the request for a finding of the violation without court costs or fines.

13

Case # 19-1105

Walgreen Company Store 7089

Richard Ashworth - President/Director

Joana Pierce - Store Manager

Kathleen Seus - National Program Manger

Prentice-Hall Corporation System, Inc. - Registered Agent

527 Duval Street

Sec. 114-108 Maintenance of all signs

Officer Paul Navarro

Certified Mail: 8-21-2019 - Kathleen Seus

Certified Mail: 8-21-2019 - Richard Ashworth

Certified Mail: 8-12-2019 - Joana Pierce

Certified Mail: 8-12-2019 - Prentice-Hall Corporation System, Inc.

Initial Hearing: 8-28-2019

New Case

Count 1: Failure to provide the proper maintenance to the historic sign as it was not functioning as its intended use.

Joana Pierce (store manager) and Kevin Lancaster attended for the respondent. Officer Paul Navarro for the City of Key West and gave testimony. Officer Navarro stated he got a compliant from the Building Department that the historic sign was not being properly maintained. Enid Torregrossa (HARC Planner) had been working with Walgreens since Sept 2018 but they refused to proceed with the application because the project was too expensive. Ms. Pierce gave testimony that she is new to the store and doesn't know what previously happened. There have been three incidences with the sign and she has opened up work orders and insurance claims. She stated now they have found out that it is a bigger problem with the electrical not being up to code and it will need to be totally fixed. The Special Magistrate asked if they are going to fix it and she stated yes. They are talking to Code to get this taken care of and the ETA is that they are still getting estimates. Kevin Lancaster (Southernmost Signs) gave testimony that he has spoken with Enid about this case. The Special Magistrate asked Ms. Pierce if anything the City has said is untrue and she stated I can only speak of the time that I have been at that location. What the City has stated since July 2019 is true Ms. Pierce stated. Enid Torregrossa gave testimony that they have been working with Walgreens since November of 2018. They were on the HARC agenda for December but Southernmost Signs requested to be removed because they were asking for both LED and Neon; and they can't go together on the sign. They were working together to come to a solution but Walgreens stated it was too expensive for them and at that point she decided to open a code case. Ms. Torregrossa said there is no progress on this project. Mr. Ramsingh (City attorney) stated he wanted to convey to Walgreens the importance of maintaining this sign as this is one of our premier facades on Duval Street and there was a lot of work in restoring that building. This has been going on for a year and it needs to come into compliance. Mr. Pierce stated that work had been done on it in the past year but then a delivery truck hit it. With that and

insurance, there have been some snafus. Ms. Pierce stated they have been trying. The Special Magistrate stated that once you take on a historic building like this you become the shepherd of the building and as such it comes with its bumps and bruises. The Special Magistrate stated there is an admission of the violation and he will find that there is a violation with \$250 court cost and \$250 per count per day for one count. Compliance will be 29 October 2019 with compliance hearing on 30 October 2019. The Special Magistrate stated he wants to make sure that corporate knows that they better do something and they better get on it because they are not going to be happy. Ms. Pierce and Mr. Lancaster stated it will be November before they can get to it as they have more than a few clients in front of them. The Special Magistrate stated that issue is not his problem or the City's problem. The Special Magistrate stated to talk to the City to get it into compliance but it can't just sit there like it is.

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Case # 18-1784

Lindholm Construction, Inc
Richard Lindholm - Registered Agent
Native Builders, Inc
Carl Denny - Registered Agent
Nicholas Obea LLC
Clint Gordon - Registered Agent
1610 Dennis Street
Sec. 14-262 Request for 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
Officer Rebecca Porter
Certified Mail: 5-30-2019 - Lindholm Construction, Inc.
Certified Mail: 5-30-2019 - Native Builders, Inc.
Posted: 7-19-2019 - Nicholas Obea LLC
Initial Hearing: 6-27-2019

Continued from 27 June 2019

Count 1: Electrical work was performed without the benefit of permit and inspection. **Count 2:** Interior structural work at the subject location without the benefit of a permit. **Count 3:** Interior plumbing work performed at the subject location without the benefit of a permit.

Nicholas Obea (home owner) attended this hearing. Officer Rebecca Porter attended for the City. The Special Magistrate asked if Mr. Obea is the representative for Lindholm Construction or Native Builders; and Mr. Obea stated no. Officer Porter stated he is asking for a continuance and the City has not objection. The Special Magistrate asked one month or two for the continuance. Mr. Obea asked for two. The Special Magistrate granted the request for continuance to 30 October 2019.

15

Case # 19-914

Coach Factory Store

515 Duval Street

Sec. 30-1 Fees for false alarms and fire code inspection - In

compliance 11 Jul 2019; Request Dismissal

Sec. 66-103 Transfer of License

Officer Rebecca Porter

Hand Served: 7-27-2019

Initial Hearing: 8-28-2019

New Case

Count 1: Failure to pay the delinquent fire inspection fees for fire inspections performed in December 2017 and September 2018. **Count 2:** Failure to transfer the business tax receipt as the corporate ownership had changed.

No one attended for the respondent. Officer Porter gave testimony that corporate and the store have a lack of communication. This compliant initially was for a delinquent fire inspection fee but with further investigation it was shown that Coach stores had been taken over by a new owner, Tapestry Inc. and hadn't updated their business license. They did pay their fire inspection fee but still have not paid for the license. They did submit their license for transfer but have not paid as of yet. The City is asking for a finding of the violation with court costs and \$250 running fine on Count 2 with dismissal of Count 1. The Special Magistrate granted the request to dismiss Count 1 as there is compliance. The Special Magistrate finds there is a violation of Count 2 with \$250 court costs and \$250 fine per day for one count with compliance on 23 September 2019 with compliance hearing on 25 September 2019.

16

Case # 19-921

Pete F. Woldanski
316 Julia Street
Sec. 10-11 Keeping fowl or wildlife
Officer Rebecca Porter
Posted: 8-2-2019
Initial Hearing: 8-28-2019

New Case

Count 1: Containers of food on the ground around the house for feeding chickens which are nesting and residing on the property.

No one attended for the respondent. Officer Porter gave testimony that there was obviously a violation as there were food containers used and unused all over the property, chicken feces everywhere, and multiple chickens that were not penned. The home owners are obviously feeding and attracting chickens to their property. This still has not been cleaned up. The City is asking for \$250 court costs and \$250 per day. The Special Magistrate stated there was proper notice as this case was posted. We will find that there is a violation. The respondent failed, refused or neglected to appear despite proper notice. The Special Magistrate granted the request for a finding of the violation with \$250 court costs with \$250 per day fine with compliance on 23 September 2019 with compliance hearing on 25 September 2019.

17

Case # 19-951

Burak Yilmaz
426 Petronia Street
Sec. 114-103 Prohibited signs
Officer Rebecca Porter
Certified Mail: 8-21-2019
Initial Hearing: 8-28-2019

New Case

Count 1: Failure to remove the A-frame sign from the exterior of the building, remove the LED lights from the window, and make the LED "open" sign stationary (not animated/rotating).

Asim Karli (store manager) attended on behalf of Burak Yilmaz (business owner). Officer Rebecca Porter gave testimony that Quick Fix Mobile has been cited for prohibited A-Frame sign. Officer Porter has done driven by numerous times and the sign has been out each time. The A-Frame is prohibited but also everything they have in the window is prohibited. She has walked them through several times to how to come into compliance and they have not. Mr. Karli gave testimony that he has pictures of the store in compliance. Officer Porter stated that given the pictures they are in compliance but she has not seen it herself and she doesn't know how long they will stay in compliance. The Special Magistrate stated Mr. Karli has made an admission that there is a problem as he removed the signs so there is a violation. Officer Porter stated the City would like a finding of the violation with no court costs and no fines. The Special Magistrate told Mr. Karli if he understood and he stated yes. The Special Magistrate stated there is a finding of the violation with no court cost or fines.

18

Case # 19-1021

Jesus Gomez
617 Front Street
1105 Simonton Street
105 5th Court, Stock Island
Sec. 18-354 Permit required; application; franchise fees
Officer Rebecca Porter
Certified Mail: 7-27-2019
Initial Hearing: 8-28-2019

New Case

Count 1: More than 45 days delinquent for their annual recreational vehicle permit inspection.

Jesus Gomez attended this hearing. Officer Rebecca Porter attended for the City. Officer Porter gave testimony that a complaint was made from the Licensing Department that JG Scooters Inc. was overdue for their annual inspection and had gone well over 45 days. Officer Porter requested an inspection in July with Mr. Gomez and he stated that all of his scooters were rented out at that time. She was able to get an inspection on July 8 and approximately a quarter of the vehicles were able to be inspected. There has been multiple attempts for inspections. It was found that various vehicles have the wrong decals and has submitted multiple registrations for use for multiple decals; and is still not in compliance. Mr. Gomez gave testimony that the Licensing Department made mistakes on his new location and did not give him e-car. He stated he brought all his paperwork on time and they passed inspection. The City gave him more decals and they changed the decals out from #84 to #85. He stated they passed inspection with the #84 decals and then they were changed. All of his vehicles have stickers and everything is ready to go. The Licensing Department sent an email to him with the license plates that he is missing which were #84 decals and those inspections were already done. The Special Magistrate asked if he had contacted the City when he was ready and he stated yes he did on that Friday. Mr. Gomez stated he talked to the lady. The Special Magistrate asked Officer Porter if he had talked to him on Friday and she stated no. Mr. Gomez stated it was right by the office. The Special Magistrate asked Mr. Gomez if the Officer Porter is lying and he stated yes. The Special Magistrate stated he finds a violation. The Special Magistrate stated that this industry needs to be closely regulated - all industries do. The Special Magistrate states he finds there is a violation with \$250 court cost with \$250 per day for each location as each one has decals that are missing with 30 days for compliance. The Special Magistrate told Mr. Gomez that he needs to get in touch with Officer Porter as he has 30 days to come into compliance with compliance on 23 September 2019. The compliance hearing will be 30 September 2019.

19

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

Director Jim Young

Certified Service: 6-15-2018 - Registered Agent

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

Initial Hearing: 5-30-2018

Continued from 27 June 2019

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. - Dismissed.~~ **Count 4:** ~~Debris located on the driveway of this property which causes a nuisance or other unsightly or unsanitary condition. - Dismissed.~~

Wayne LaRue Smith attended for the new owner James Dicks. Mr. Smith stated this was previously owned by a trust company that foreclosed on a mortgage and had postponed this case a number of times because they wanted to make this the new owner's problem. Mr. Dicks retained Mr. Smith and he is working with Director Young and the Building Department to get the issues resolved. They are going to need more time to do this. He is requesting a continuance to the October code hearing as he is waiting for the survey. Mr. Ramsingh said October is fine with the City. The Special Magistrate granted the continuance without objection to 30 October 2019.

20

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

Director Jim Young

Certified Service: 5-30-2018 - Owner

Certified Service: 5-23-2018 - Registered Agent

Initial Hearing: 6-27-2018

Continued from 31 July 2019 for compliance**Count 1:** Failure to obtain an after-the-fact building permit for interior framing of shed and dock behind shed.

Director Young gave testimony that the respondent did achieve compliance on 5 August 2019 when he was able to get the permit for the dock with the shed being demoed. The case is in compliance. Administrative fees are due and once paid this case can be dismissed.

21

Case # 18-1211Island-West Investments Corp. - **Request Dismissal**

Richard Estevez

1213 14th Street 41

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

Director Jim Young

Certified Mail: 12-12-2018 - Hugh Morgan

Certified Mail: 12-18-2018 - Richard Estevez

Initial Hearing: 1-30-2019

Continuance granted to 30 Oct 2019**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.

Director Young stated the City is requesting a dismissal of the respondent Island-West Investments Corp., the owner of the mobile park, from the case. The Special Magistrate granted the request to dismiss Island-West Investments Corp. The Special Magistrate had previously granted the request to continue this case to 30 October 2019.

22

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) -~~ **Dismissed**~~Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions (Amended Notice) -~~ **Dismissed**~~Sec. 14-40 Permits in historic districts (Amended Notice) -~~ **Dismissed**

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

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

Director Jim Young

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

Continued from 31 July 2019 for compliance

~~**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. **Dismissed.**~~

~~**Count 1 (Amended Notice):** Two signs installed without the benefit of a building permit. - **Dismissed.**~~

~~**Count 2 (Amended Notice):** Signs installed without the benefit of a certificate of appropriateness. - **Dismissed.**~~

Count 3 (Amended Notice): Two flood lights installed without the benefit of an electrical permit. **Count 4 (Amended Notice):** Electrical work performed without an inspection.

David Johnson attended this hearing. Director Young gave testimony that the remaining count is an after-the-fact electrical permit and final inspection. The permit was approved August 27 and he sent an email to the contractor yesterday advising him of that which he hasn't heard back from him. Mr. Johnson gave testimony that he believed that this had all been taken care of. He spoke with the contractor and the permit was picked up today 28 August 2019 and the inspection has been scheduled for tomorrow 29 August 2019. The Special Magistrate asked if he is okay with a continuance for 23 September 2019 for compliance and he stated yes. The City has no objection. The Special Magistrate granted the request for continuance for compliance to 23 September 2019 with compliance hearing on 25 September 2019.

23

Case # 18-2033

SK II, Inc.
Robert A. Spottswood - RA
2700 North Roosevelt Boulevard
Sec. 122-63 Review; enforcement
Director Jim Young
Certified Mail:
Initial Hearing: 3-27-2019

In compliance 21 August 2019; Pending Administrative Fees

Count 1: The masonry wall behind store plaza was damaged and needs to be replaced as per Resolution 89-26. Our records indicate that an application has not been submitted to rebuild the masonry wall. The only permit applied for is Permit #2018-2722 to remove fence debris.

The Special Magistrate stated there was compliance on 21 August 2019 with administrative fees pending. The Special Magistrate stated there will be compliance date of 23 September 2019 with compliance hearing on 25 September 2019 for payment of administrative fees.

Mitigations

24

Case # 19-103

H and S of Key West, LLC
Hal Schuhmacher
324 Southard Street

Hal Schuhmacher attended and gave testimony that the porch was falling down and he wasn't aware he needed a permit and he was made aware of this with a red tag. He tried to get in touch with the Building inspector but was unable to after several tries. He was told he needed an inspection and got one with All Aspects Inspection Services. He came back to the city to try to get an owner permit and was told at that point that because it was owned by a corporation he was unable to get an owner permit. He retained One Call Construction and they complied with what they needed. While that was all going on, he received his notices. He stated he requested a continuance which he received and then the court continued it again as he was still in the process of getting compliance. He received his Finding of Fact on April 25 with a court cost of \$250 with a fine to be imposed on May 28 if not in compliance. He doesn't believe he received the imposing of the fine. He eventually was able to come into compliance for about a month. For mitigation he is requesting to pay the administrative cost and with great expense he was able to come into compliance. Director Young stated that it looked like he repaired the roof also which was more than a few boards; however, as Mr. Schuhmacher has testified he has come into compliance and is requesting mitigation. According to the mitigation guidelines, the Special Magistrate shall consider the amount of time it takes to come into compliance. Due to the fact that he achieved compliance within 60 days, the fine cannot be mitigated more than 90%. With the guidelines, the mitigated fine would be \$2,050 plus \$250 court cost. Officer Badgett stated that Director Young stated all that needed to be said. The Special Magistrate stated that the first two continuance were requested and given but the third continuance requested was a problem because the question of what kind of progress was being made so that is why the request was denied so that you could come in to explain what you were doing to get you into compliance. The Special Magistrate asked if the City has an objection to a reduction. Director Young stated the City stands mute on these decisions as it is strictly up to the Special Magistrate. The Special Magistrate stated that under the facts and circumstances, a reduction to \$3,000 fine with the \$250 court costs to make it \$3,250.00 due. Mr. Schuhmacher stated that the porch is an extremely small porch and he would ask for additional mitigation if he could because the whole costs for the project was \$1,000 total to get it done. The Special Magistrate says it is fair to reduce it for what you did but under the facts he believes that \$3,000 is reasonable. Mr. Schuhmacher stated he does not remember a request for three continuances. The Special Magistrate stated that there was proper notice and someone from H and S failed to show up at that particular hearing and that is when the violation was given. Mr. Schuhmacher is requesting the 90% reduction for all the frustration. The Special Magistrate stated it will stay at the \$3,000. Mr. Schuhmacher stated he requested a continuance each time. The Special Magistrate said he denied it which meant someone had to be here for the hearing.

HARC Appeals**25****SMA 19-02**

KHP IV Key West LLC
Barton W. Smith, Esq.
601 Caroline Street
H2019 - 20

Continued from 31 July 2019

Nicky Pappas attended on behalf of KHP IV Key West, LLC. Ron Ramsingh on behalf of the City of Key West. Ms. Pappas gave testimony that the case was originally to be heard on 31 July 2019 with a memorandum filed on 25 July 2019; and the City requested a continuance. The City responded with an answer brief that was filed around 11:30 28 Aug 2019. Ms. Pappas stated they have discussed it with the City and the City has agreed to a continuance to 30 October 2019. Mr. Ramsingh confirmed that it is correct. The Special Magistrate granted the request without objection to 30 October 2019.

Adjournment