



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

Code Compliance Hearing

Wednesday, September 25, 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

Continued from 28 August 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 respondent did not attend. A representative for William Rowan Architecture Brian Olson is in attendance. Officer Badgett gave testimony that they should be done by next month as they submitted the As-Built letter and there is some verbiage that needs to be corrected on the letter. The City is requesting a continuance to next month. The Special Magistrate granted the request to continue this case to 30 Oct 2019 without objection.

2

Case # 19-604

Orogold Cosmetics

Nir Chen

Zohar Alon

518 Duval Street

Repeat - Sec. 18-705 Requirement of permit holder (3) No written statement

Sec. 18-705 Requirement of permit holder (8) Consent Form

Sec. 18-705 Requirement of permit holder (9) Use of disposable applicators and disposable gloves

Repeat - Sec. 18-705 Requirement of permit holder (3) No written statement

Sec. 18-705 Requirement of permit holder (8) Consent Form

Sec. 18-705 Requirement of permit holder (9) Use of disposable applicators and disposable gloves

Officer Bonnita Badgett

Certified Mail: 4-15-2019 - Nir Chen

Certified Mail: 4-15-2019 - Zohar Alon

Initial Hearing: 5-29-2019

Continued from 31 July 2019 - Repeat Counts 1 & 4

Count 1: Failure to provide a written statement to sign before applying sample products to Mr. Keller's face. - **Repeat.** **Count 2:** Failure to provide a consent form before applying sample products to Mr. Keller's face. **Count 3:** Failure to use gloves while applying sample products to Mr. Keller's face. **Count 4:** Failure to provide a written statement to sign before applying sample products to Ms. De More's face. - **Repeat.** **Count 5:** Failure to provide a consent form before applying sample products to Ms. De More's face. **Count 6:** Failure to use gloves while applying sample products to Mr. De More's face.

Zohar Alon attended this hearing. Officer Badgett gave testimony that this complaint came from the Chamber of Commerce and has been continued since 29 May 2019 for various reasons. The complainant is in attendance to give his testimony. The complaint is that they didn't wear gloves and did not give a written statement which is needed as per ordinance. The Special Magistrate asked Mr. Alon if he denied any of the counts and Mr. Alon stated he takes responsibility for them. Mr. Alon said that they have been in compliance since that time. Mr. Alon stated that Mr. Keller is one of the protestors that had been there and the person that did not use gloves no longer works at the store. The Special Magistrate stated he has the recommendations from the City for the violation and he wanted to know if Mr. Alon has been advised of these. Officer Badgett stated she has not discussed this with him. Ron Ramsingh, Chief Assistant City Attorney, gave testimony that they do not have an attorney representing them and the City is asking for \$2,000 fine plus

the \$250 court cost. The witness, Mr. Keller, is in attendance to give testimony. The Special Magistrate told Mr. Alon that the fine is \$2,000 with \$250 court cost. Mr. Alon felt that this was too much and that he didn't know if Mr. Keller was at the store. He feels this is a lot of money and they have not gotten any complaints since then. He asked if the fines could be lowered. The Special Magistrate stated that the fines were the minimal amount for the fines and the City is not asking for anything in excess and Mr. Alon did admit there was an issue. Mr. Ramsingh stated that he feels it is justified because of the history from the store and that Mr. Keller is here to give his testimony if there is a question. The Special Magistrate stated that Mr. Alon did admit to the violation and there is a \$250 court cost with \$250 per 4 counts and \$500 for counts 1 and 4 for a total of \$2,250 owed to be paid by 25 Oct 2019. The Special Magistrate stated that he knows they are doing the right thing now as per ordinance and this is appreciated. The Special Magistrate stated if there is a problem with paying this before 25 Oct 2019 to speak with the City and he will be given latitude.

3**Case # 19-918**

Havaianas

Maritza Mendez

300 Front Street #1

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

Officer Bonnita Badgett

Certified Mail: 8-22-2019

Initial Hearing: 9-25-2019

In compliance 27 August 2019; Request dismissal**Count 1:** Failure to pay a \$100.00 invoice for a fire inspection.

The Special Magistrate granted the request to dismiss this case. The case came into compliance on 27 August 2019.

4

Case # 19-1288

Salley, LLC

Donald R. Hall - RA

Truman & Co, Inc.

Terri Spottswood - RA

311 Elizabeth Street

Sec. 18-601 License required - Counts 1-6

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Counts 7-9Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Counts 10-15

Officer Sophia Doctoche

Certified Mail: 8-28-2019 - Salley, LLC

Certified Mail: 8-26-2019 - Truman & Co., Inc.

Initial Hearing: 9-25-2019

New Case - Irreparable Violations

Counts 1-6: Short term rental for 6 nights of the cottage without the benefit of a transient rental license. Short term advertising of cottage and 3rd floor without the benefit of a transient rental license. **Counts 7-9:** Holding out/advertising for short term rental without the benefit of the required city, county, and state licensing. The subject property does not have a transient medallion for the cottage and has not been inspected by the City of Key West Fire Department. **Counts 10-15:** Holding out for transient rental for 6 nights the dates of August 16-22, 2019 for the cottage. Also the cottage is rented from December 22-29, 2019 for \$905.63.

A settlement agreement was presented to the Special Magistrate which he approved. Administrative cost of \$250.00 with \$650.00 which represents the total cost of the illegal transient rental for a total of \$940.00 due. The respondents also stipulate to a suspended fine of \$5,000.00 for a period of 60 months.

5

Case # 19-1362

Kenneth C. Trent

1430 South Street

Sec. 18-601 License required - Counts 1-7

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Counts 8-10Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Counts 11-17

Sec. 110-259 Duty of private property owner - Count 18

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - Count 19

Sec. 14-262 Request for inspection - Count 20

Officer Sophia Doctoche

Certified Mail: 9-16-2019

Initial Hearing: 9-25-2019

Continuance granted to 30 October 2019**Counts 1-7:** Subject property held out for short-term rental without the benefit of a transient rental license. Previously cited case #17-902.**Counts 8-10:** Subject property holding out/advertising for short-term rental without the benefit of the required city, county, or state licensing. Does not have a transient medallion and has not been inspected by the City of Key West Fire Department. Previously cited case #17-902.**Counts 11-17:** Subject property owner holding out for transient rental for seven nights the dates of 29 August 2019 through 5 September 2019 for \$4,774.13. Previously cited case #17-902. **Count 18:** Areca palms obstructing the sidewalk. **Count 19:** Failure to obtain permits for an outdoor shower and a tiki with electrical installed. **Count 20:** Failure to obtain the required electrical inspection for the tiki.

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

6

Case # 17-1178

Jean Winfred Scheu
1300 15th Court Lot 4
Riche Mackendy
1300 15th Court Lot 76
FBC 301.11 Unsecured Fuel Tank
Officer Edward Keane
Certified Mail: 9-1-2019 - Riche Mackendy
Initial Hearing: 9-25-2019

In compliance 24 September 2019; Request dismissal

Count 1: Unsecured propane tanks servicing mobile home within the Special Flood Hazard Area within a type AE-7 flood zone.

The Special Magistrate granted the request to dismiss this case. This case came into compliance on 24 Sept 2019.

7

Case # 19-853

Nadege Lozin
1213 14th Street 79
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Officer Edward Keane
Posted: 9-12-2019
Initial Hearing: 9-25-2019

New Case

Count 1: Failure to obtain a building permit for a wooden structure attached to the mobile home.

Nadege Lozin attended this hearing. Officer Keane gave testimony that Ms. Lozin has applied for the permits and the City is requesting a continuance till next month. The Special Magistrate granted the request to continue this case to 30 Oct 2019 and Ms. Lozin agreed.

8

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

In compliance 25 September 2019; Request dismissal

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 dismiss this case. This case came into compliance on 25 Sept 2019.

9

Case # 19-1102

William Martin

Whitherspoon Partners-Key West, LLC

5601 College Road 305

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

Sec. 14-327 Inspection

Officer Edward Keane

Certified Mail: 9-4-2019

Initial Hearing: 9-25-2019

City Requesting Dismissal

Count 1: Failure to obtain mechanical permit for installation of an air conditioner condenser. **Count 2:** Failure to obtain the mechanical inspection for the installed air conditioner condenser.

The Special Magistrate granted the request from the City to dismiss this case without objection from the respondent as they are not in attendance.

10

Case # 19-1280

Pamela Elizabeth Adams
313 Catherine Street Unit 2
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-327 Inspection
Sec. 14-40 Permits in historic districts
Officer Edward Keane
Certified Mail: 9-14-2019
Initial Hearing: 9-25-2019

New Case

Count 1: Failure to obtain the appropriate building permit for installation of an air conditioner condenser. **Count 2:** Failure to obtain a mechanical inspection for an installed air conditioner condenser. **Count 3:** Failure to obtain a HARC certificate of appropriateness for installation of an air conditioner condenser.

Respondent is not in attendance. Officer Keane gave testimony that Ms. Adams has applied for permits and they are in review. The City is requesting a continuance. The Special Magistrate granted the request to continue this case to 30 Oct 2019 without objection.

11

Case # 19-1371

Terance E Keenan
1021 Watson Street
Sec. 26-32 Nuisances illustrated
Officer Edward Keane
Certified Mail:
Initial Hearing: 9-25-2019

Continuance granted to 30 October 2019

Count 1: Pool was observed to have stagnant water at the bottom. Repeat violation - Case # 18-125.

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

12

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

Continued from 28 August 2019 for Payment of Administrative Fees**Count 1:** Failure to apply for business tax receipts for all the services that are provided at the subject property.**Case went before the Special Magistrate on 25 Sept 2019: The administrative fee is due and this will be removed from the docket.**

13

Case # 19-463

G. B & B-B Registries, LLC

210 Simonton Street Lot

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 Dorian Patton

Certified Mail: 8-9-2019

Initial Hearing: 9-25-2019

Continuance granted to 30 October 2019**Count 1:** Failure to obtain building permits for all signs placed, security cameras installed, and electric wiring running to a shed with lights running throughout the property. **Count 2:** Failure to obtain HARC certificate of appropriateness for all signs placed, security cameras installed, and electric wiring running to a shed with lights running throughout the property. **Count 3:** Failure to receive inspections for electrical work done on the property.**The Special Magistrate granted the request to continue this case to 30 Oct 2019.**

14

Case # 19-556

Christopher Gazzale

Douglas C Hart

1818 Venetia Street

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

Sec. 14-327 Inspection

Officer Dorian Patton

Certified Mail: 8-15-2019 - Douglas C Hart

Initial Hearing: 9-25-2019

New Case**Count 1:** Failure to obtain a building permit for A/C work performed.**Count 2:** Failure to obtain a final inspection for the A/C work performed.

Respondent did not attend. Officer Patton gave testimony that Mr. Gazzale has been non-respondent to mail or phone at this point. He has tried to come into compliance with the permit but he walked out of City Hall without paying and they do not know why. Since this issue, the owner of the property and Mr. Gazzale are in a civil dispute about the contract. Mr. Hart, owner, has signed a contract with One Call Construction to do a substitution of the permit and they are waiting for signatures to proceed. The City is requesting a finding of the violation with \$250 court cost with \$250 fine. The contractor told Officer Patton that he will be in compliance within 10 days. The Special Magistrate stated that Douglas C Hart has been properly noticed and he failed, refused or neglected to attend. We will find that there is a violation with \$250 court cost with \$250 per count fine with compliance on 25 Oct 2019 with compliance hearing on 30 Oct 2019.

15

Case # 19-804

Alena Lembach
3226 Eagle Avenue
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Dorian Patton
Certified Mail: 8-22-2019
Initial Hearing: 9-25-2019

In compliance 25 September 2019; Request dismissal

Count 1: Failure to obtain a building permit for work being done including a roof addition, front doors, interior framing and drywall.

The Special Magistrate granted the request to dismiss this case. This case came into compliance on 25 Sept 2019.

16

Code # 19-852

Jose A. Juarez-Sanchez
1213 14th Street Lot 76
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Dorian Patton
Certified Mail:
Initial Hearing: 9-25-2019

Request continuance for good service

Count 1: Failure to remove added structure from the home.

The Special Magistrate granted the request to continue this case to 20 Nov 2019

17

Case # 19-862

Key West Sign Company LLC

901 Fleming Street LLC

901 Fleming Street

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

Officer Dorian Patton

Hand Served: 8-13-2019 - Key West Sign Company LLC

Certified Mail: 8-22-2019 - 901 Fleming Street LLC

Initial Hearing: 9-25-2019

Continuance granted to 20 Nov 2019

Count 1: Failure to obtain a building permit for a structure built.

This case will be put back on the docket for 30 Oct 2019 as this was skipped over by mistake and the continuance to 20 Nov 2019 needs to be read into the records.

18

Case # 19-991

Quiet Storm

Gregory S Oropeza - RA

431 Duval Street

Sec. 114-103 Prohibited signs

Sec. 14-40 Permits in the historic districts

Officer Dorian Patton

Hand Served: 8-30-2019

Initial Hearing: 9-25-2019

In compliance 25 Sept 2019; Request dismissal

Count 1: Failure to obtain appropriate permits for the installation of A-Frame signs and vinyl lettering on the windows. **Count 2:** Failure to obtain the appropriate HARC certificate of appropriateness for the installation of signage on the building.

The Special Magistrate granted the request to dismiss this case. This case came into compliance on 25 Sept 2019.

19

Case # 19-1001

Pinchers Crab Shack of Key West
708 Duval Street
Sec. 14-40 Permits in historic districts
Sec. 114-103 Prohibited signs
Officer Dorian Patton
Certified Mail: 8-26-2019
Initial Hearing: 9-25-2019

New Case

Count 1: Failure to obtain a HARC certificate of appropriateness for an A-Frame sign. **Count 2:** Failure to remove the A-Frame sign that is not permitted through HARC.

Respondent did not attend. Officer Patton gave testimony that they have made two appointments to proceed with compliance but they did not show up for either meeting. The Special Magistrate questioned why the City is requesting a finding of the violation without fees or fines. Director Young stated that upper management requested that a finding of the violation without fees or fines is to be made on sign cases initially and if they repeat the violation they will be cited right away as a repeat violator and we would be requesting \$250 court cost and \$500 fine. The Special Magistrate granted the request for a finding of the violation as they have been properly noticed with competent substantial evidence given with no fees or fines at the request of City for upper management reasons.

20

Case # 19-914

Coach Factory Store
515 Duval Street
~~Sec. 30-1 Fees for false alarms and fire code inspection - Dismissed~~
Sec. 66-103 Transfer of License
Officer Rebecca Porter
Hand Served: 7-27-2019
Initial Hearing: 8-28-2019

In compliance 16 September 2019; Administrative fee pending

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

The Special Magistrate stated they are in compliance for the violation but administrative costs are still due and as such the case will be closed for the violation but the case will remain open until the administrative cost is paid.

21

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

In compliance 21 September 2019; Administrative fees pending

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

The Special Magistrate stated the violation is in compliance and will be closed but the case will remain open until the administrative fee is paid.

22

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

In compliance 3 September 2019; Request dismissal

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

The Special Magistrate granted the request to dismiss this case on 25 Sept 2019. This case came into compliance on 3 Sept 2019.

23

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

In compliance 29 August 2019; Request dismissal

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.

The Special Magistrate granted the request to dismiss this case. This case came into compliance on 29 Aug 2019.

24

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 10 September 2019; Request dismissal

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 granted the request to dismiss this case. This case came into compliance on 10 Sept 2019.

Adjournment