



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

Code Compliance Hearing

Wednesday, March 29, 2017

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

Call Meeting to Order

Code Violations

1

Case # 17-47

Interstate Enterprise Group, Inc.

Kenneth Pierce

David R. Roy Esq - Registered Agent

901 White Street 903

Sec. 58-31 Container and receptacle requirements

Officer Bonnita Badgett

Certified Service: 3-8-2017 - Registered Agent

Initial Hearing: 3-29-2017

In compliance March 20, 2017, request dismissal

Count 1: Failure to remove garbage bins and containers from the city right of way after pickup of trash.

The Special Magistrate granted the request to dismiss this case.

2

Case # 16-1541

Poinciana Partners, LLP - Property Owner

Jean Walner Desire - Tenant

1300 15th Court Lot 63

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

Officer Sophia Doctoche

Certified Service: 12-15-2016 - Property Owner

Certified Service: 12-9-2016 - Tenant

Initial Hearing: 1-25-2017

Continuance granted to April 26, 2017**Count 1:** Porch and back enclosure built without benefit of building permits.**The Special Magistrate granted the request to continue this case to April 26, 2017.**

3

Case # 16-1678

Overseas Radio LLC

Guy Deboer - Registered Agent

903 Duval Street

Sec. 62-186 News rack mounting standards

Sec. 62-184 Relocation

Officer Sophia Doctoche

Certified Service: 3-13-2017

Initial Hearing: 3-29-2017

In compliance March 21, 2017, request dismissal**Count 1:** Failure to attach concrete base with net weight of not less than 80 pounds. **Count 2:** Failure to have news racks at their proper permitted location.**The Special Magistrate granted the request to dismiss this case.**

4

Case # 14-1488

Sunrise at Seaside Condo Association

3625 Seaside Drive

FBC. 1612.4 (ASCE 24-05) Floor Hazard Construction

Officer Scott Fraser

Certified Service: 9-15-2015

Initial Hearing: 10-21-2015

In compliance March 24, 2017, request dismissal

Count 1: Unprotected enclosed structures below design flood elevation.

The Special Magistrate granted the request to dismiss this case.

5

Case # 16-1398

Suzana Dragacevac

68 Seaside North Court

FBC 1612.4 [ASCE 24-05] Unprotected Enclosed Structures Below Design Flood Elevation

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

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

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

Sec. 14-262 Requests for inspection, required

Sec. 66-87 Business tax receipt required

FBC 1612 & ASCE 24-05 [Sections 7.2, 7.3 & &.4]

Plumbing/Electrical/Mechanical Installed/Constructed Below Flood

Officer Scott Fraser

Hand Served: 1-9-2017

Initial Hearing: 12-21-2016

Continued from December 21, 2016

Count 1: Within a FEMA designated AE-8 flood zone, open area has been enclosed, contrary to flood damage prevention provisions. **Count 2:** Within a FEMA designated AE-8 flood zone, Respondent did install or allow to be installed, electronic devices/appliances below established flood safety levels. **Count 3:** Within a FEMA designated AE-8 flood zone, Respondent did install or allow to be installed, plumbing connections and fixtures below established flood safety levels. **Count 4:** Within a FEMA designated AE-8 flood zone, Respondent did install or allow to be installed, electrical wiring, outlets and fixtures below established flood safety levels. **Count 5:** Within a FEMA designated AE-8 flood zone, Respondent did energize or allow to be energized, electrical wiring, electrical outlets and fixtures absent the required safety inspections having been requested nor performed, contrary to law and the safety of the general public. **Count 6:** For failure to obtain a business receipt to rent the second dwelling. **Count 7:** Within a FEMA designated AE-8 flood zone, Respondent did install or allow to be installed, electrical wiring, outlets, receptacles and plumbing fixtures below established flood safety levels, contrary to the safety of the general public.

The Respondent did not attend. Officer Scott Fraser gave testimony. Officer Fraser stated they were given notice on October 6, 2016, given a 90 days continuance and have just addressed the issue by applying for a demolition permit on April 20, 2017. The city asks for 30 days for compliance with court costs and concurrent fee of \$250 per violation per day for 7 counts. The Special Magistrate imposed administrative cost of \$250 and \$250 per day per count for 7 counts if compliance is not met by April 26, 2017.

6

Case # 16-1610

Malouin The Fernand Trust

1317 Whitehead Street

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

Officer Scott Fraser

Certified Service: 2-15-2017

Posted: 2-9-2017

Initial Hearing: 3-29-2017

In compliance on March 20, 2017, request dismissal

Count 1: Respondent did - or did allow to occur - installation of wooden louvers below the Design Flood Elevation without floodplain management approval and related building permit.

The Special Magistrate granted the request to dismiss this case.

7

Case # 16-1681

Luke Birchmeier

1721 Johnson Street

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

Officer Scott Fraser

Posted: 3-1-2017

Initial Hearing: 3-29-2017

New Case

Count 1: Has allowed high grass, weeds and swampy soil to collect within a pit which is actively creating a public nuisance as a breeding place or haven for rodents, insects and vermin.

The Respondent did not attend. Officer Scott Fraser gave testimony. Officer Fraser stated this has been an ongoing problem for a couple of years with the latest being a pit dug in the backyard which is overgrown that is harboring an insect breeding ground. In an abundance of due process caution, we had first posted it for demand to clear from the City Manager but City Counsel elected to go additionally to find the findings here in Code Court. This is a nuisance that needs to be abated. The City requests \$250 administrative fees and no fines as it is in foreclosure. The Special Magistrate imposed \$250 administrative fee and cost with no fines at this time. He reserved fines for a later date. The Special Magistrate stated that he will see what happens with the foreclosure process and it can be put back on the docket if need be. The City agreed.

8

Case # 16-1248

William D Letrick

1801 N Roosevelt Blvd King Fish Pier 39-41

Sec. 14-185 Compartmentation and flotation devices

Officer Leonardo Hernandez

Posted: 9-8-2016

Initial Hearing: 12-21-2016

In compliance March 10, 2017, request dismissal

Count 1: For failure to repair/secure the hull of the floating home that came loose exposing the floor joists and subfloor.

The Special Magistrate granted the request to dismiss.

9

Case # 16-1430

Luz M Zapata
326 Virginia Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-40 Permits in historic districts
Officer Leonardo Hernandez
Certified Service: 1-6-2017
Initial Hearing: 2-15-2017

In compliance March 16, 2017, request dismissal

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

The Special Magistrate granted the request to dismiss this case.

10

Case # 17-169

T&T Construction of Cental FL
1209 United Street
Sec. 74-31 Unlawful deposits - **Irreversible Violation**
Sec. 26-32 Nuisances illustrated - **Irreversible Violation**
Officer Leonardo Hernandez
Certified Service: 2-10-2017
Initial Hearing: 3-29-2017

Request dismissal

Count 1: Respondent discharged human excrement onto city right of way. **Count 2:** Discharged substances that emit or cause foul, obnoxious, unhealthful or disagreeable odor or effluvia onto the city right of way.

The Special Magistrate granted the request to dismiss this case.

11

Case # 17-46

Raymond Cheatham's Pool Maintenance
Raymond Cheatham
315 Amelia Street
Sec. 18-146 License required
Officer Gerald L. Leggett
Certified Service: 2-13-2017
Initial Hearing: 3-29-2017

In compliance March 15, 2017, request dismissal

Count 1: Failure to obtain a city license while engaged in the business or capacity of a contractor.

The Special Magistrate granted the request to dismiss this case.

12

Case # 17-53

Samuel Albury Estate
403 Amelia Street
Sec. 26-126 Clearing of property of debris and noxious material required
Officer Gerald L. Leggett
Certified Service: 3-8-2017
Initial Hearing: 3-29-2017

New Case

Count 1: Failure to clear property of debris and maintain it.

George Albury Jr. and Procha Smith attended for the Respondent. Officer Gerald Leggett gave testimony and due to the amount of complaints received, the city is asking for Finding of Violation with administrative fee. Mr. Albury gave testimony stating he was doing everything in his power to keep the property in compliance. The Special Magistrate asked who would be taking care of the property and Mr. Albury stated he has made arrangements with a family member who lives here to make sure it will be maintained as acceptable as possible. After hearing testimony, the Special Magistrate found the Respondent in violation. Fees and fines will be withheld at this time. The Special Magistrate stated that if they are cited again, he will impose fines which will possibly increase substantially.

13

Case # 17-108

Thomas and Elizabeth Blount R/S

Kristen L. Blount

1326 10th Street

Sec. 58-31 Container and receptacle requirements - **Repeat Violation**

Gerald L. Leggett

Certified Service: 2-11-2017 - Thomas & Elizabeth Blount

Certified Service: 2-11-2017 - Kristen L. Blount

Initial Hearing: 3-29-2017

New Case

Count 1: Failure to remove trash containers and receptacles from the city right of way on non-trash days. This is a repeat violation Case #15-277.

Kristin Blount and Elizabeth Blount attended this meeting. Officer Gerald Leggett gave testimony and stated this was a repeat violation. Kristin Blount gave testimony and admitted to the violation. After hearing testimony and reviewing the evidence, the Special Magistrate found the Respondents in violation. Fees and fines are being withheld at this time. The Special Magistrate stated that if they are cited again, he will impose fees and possibly increase the fines.

14

Case # 17-277

Paula Carbonell

1016 South Street

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

Sec. 14-40 Permits in historic districts

Officer Gerald L. Leggett

Certified Service:

Initial Hearing: 3-29-2017

Request continuance to April 26, 2017 for service

Count 1: Failure to obtain an after-the-fact building permit for a fence.

Count 2: Failure to obtain an after-the-fact HARC certificate of appropriateness for a fence.

The Special Magistrate granted the request to continue this case to April 26, 2017.

15

Case # 16-939

R R Beason Jr Trust 12/18/2000

1603 Von Phister Street

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

address; exception

Officer Jorge Lopez

Certified Service: 10-5-2016

Initial Hearing: 10-19-2016

Continuance granted to April 26, 2017 for compliance

Count 1: For failure to obtain building permits for the interior and exterior renovations.

The Special Magistrate granted the request to continue this case to April 26, 2017.

16

Case # 16-1247

Stuart Kessler

1801 North Roosevelt Boulevard

Sec. 14-185 Compartmentation and flotation devices

Officer Jorge Lopez

Certified Service: 12-28-2016

Initial Hearing: 1-25-2017

Continued from February 15, 2017

Count 1: Owner of the vessel was notified by the Dock Master that this vessel needs to be repaired and to secure the floating device. As of December 14, 2016, there has been no progress towards compliance.

Stuart Kessler attended this hearing. Officer Jorge Lopez attended. Ron Ramsingh attended for the City. Mr. Ramsingh gave testimony in regards to the notice of removal 28USC1446 filed in Federal Court. Mr. Ramsingh said that it should be heard in Code Compliance Court and it was not filed in a timely manner. Mr. Kessler said it should be removed to Federal Court to be heard. The Special Magistrate denied the motion to remove to the Federal Court. Mr. Ramsingh gave testimony about the safety issues of the flotation devices used underneath the floating house. The City had three witnesses: Mr. David Hawthorne, City employee, City Marina at Garrison Bight marina manager; Mr. Reef Perkins, expert witness; and Mr. Christian Swanson, expert witness. The two expert witnesses were qualified by the Special Magistrate. Each witness gave testimony. Videos were shown to the experts previously and were shown again in this hearing. They gave testimony about the videos concerning the safety of the flotation devices. Mr. Kessler cross examined the witness. Mr. Kessler had one witness: Mrs. Pam Keeler. Mrs. Kessler gave witness to the process they took to try to figure out what the remedy would be for this issue. Mr. Ramsingh cross examined this witness. The City requests a Finding of Violation with \$250 administrative costs with costs of experts, short period to come into compliance, and if not in compliance by this time a \$250 daily fine. The Special Magistrate found that there was competent substantial evidence of a violation of code Sec. 4-185. The Special Magistrate imposed a \$250 administrative fee including costs of experts with no finding of costs until Mr. Kessler reviews the affidavit. Mr. Kessler must come into compliance by April 25, 2017 or there will be a daily fine of \$250. The Special Magistrate stated if not in compliance by April 25, 2017; however, if Mr. Kessler has begun in earnest to comply with mitigation or elimination of the code violation he will continue the compliance date.

17

Case # 16-1614

Erwin & Didier M Mayer - Property Owner

Matelus & Marie M Pierre - Mobile Home Owner

1300 15th Court 03

Sec. 90-363 Certificate of occupancy required - **Count 1**Sec. 58-61 Determination and levy of charge - **Count 2**Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **Counts 3 - 4**Sec. 66-87 Business tax receipt required for all holding themselves out
to be engaged in business - **Count 5**

Officer Jorge Lopez

Certified Service: 1-26-2017 - Property Owner

Certified Service: 1-23-2017 - Mobile Home Owner

Initial Hearing: 2-15-2017

Continuance granted to April 26, 2017

Count 1: For failure to obtain a certificate of occupancy for unit that is attached to the trailer. **Count 2:** For failure to pay impact fees related to utilities. **Count 3:** For failure to obtain a building permit for the new plumbing fixtures and piping. **Count 4:** For failure to obtain a building permit for the new electrical circuits or wiring. **Count 5:** For failure to obtain a business tax receipt to rent this unit.

The Special Magistrate granted the request to continue this case to April 26, 2017.

18

Case # 16-1656

Key West Restorations, LLC
Witschey, Witschey & Firestine Co., LPA
Michael Herrera
1435 Flagler Avenue
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-42 Construction site requirements
Sec. 1-15 General penalty
Officer Jorge Lopez
Certified Service: 1-23-2017
Initial Hearing: 2-15-2017

In compliance February 2, 2017, request dismissal

Count 1: For failure to obtain building permits and a licensed contractor to replace drywall. **Count 2:** For working over and removing a stop work order. **Count 3:** Penalty for removing the stop work order.

The Special Magistrate granted the request to dismiss this case.

19

Case # 17-49

Keys Cooling, LLC
Christopher Gazzale - Registered Agent
Scott Ostlund - Property Owner
620 Thomas Street 286
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:
Initial Hearing: 3-29-2017

Request continuance to April 26, 2017 for service

Count 1: Failure to obtain required permits for the installation of HVAC units. **Count 2:** Failure to apply and obtain the required mechanical permit for the HVAC units. **Count 3:** Failure to obtain a certificate of appropriateness for the HVAC units. **Count 4:** Failure to obtain required permits and inspections for the HVAC units.

The Special Magistrate granted the request to continue this case to April 26, 2017.

20

Case # 17-52

J & C Inc.

Juan C Betancur - Registered Agent

124 Duval Street

Sec. 18-415 Restrictions in historic district

Sec. 18-193 Custom work permit required; inspection; fee - **Request dismissal**Sec. 66-102 Dates due and delinquent; penalties - **Request dismissal**

Officer Jorge Lopez

Certified Service: 2-4-2017

Initial Hearing: 2-15-2017

Settlement Agreement

Count 1: Louis Lambardi, an employee of the subject business, was actively off premises canvassing on Duval Street on 12 Jan 2017 and also on 14 Jan 2017 and 15 Jan 2017 after being explained that this activity is prohibited. **Count 2:** The business is conducting custom work without the benefit of a custom wearing apparel license. **Count 3:** The business tax receipt has been delinquent since 30 Sept 2016.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 were imposed with a suspended fine of \$250. All was properly excused by the parties.

21

Case # 17-106

Carlos F Guerra

3409 Eagle Avenue

Sec. 122-237 Prohibited uses

Officer Demi R Vazquez

Certified Service: 3-9-2017

Initial Hearing: 3-29-2017

In compliance March 16, 2017, request dismissal

Count 1: Failure to cease operating a commercial business out of a Single Family zoning district.

The Special Magistrate granted the request to dismiss this case.

22

Case # 17-155

Cajun Realty LLC
James Marsh - Registered Agent
1001 Truman Avenue
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Demi R Vazquez
Certified Service: 2-5-2017
Initial Hearing: 3-29-2017

In compliance February 17, 2017, request dismissal

Count 1: Failure to obtain after the fact building permits for a partitioned wall.

The Special Magistrate granted the request to dismiss this case.

23

Case # 16-455

Donald R Lynch
820 Carstens Lane
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **Counts 1 - 3**
Sec. 102-152 Required for permits - **Counts 4 - 5**
Sec. 90-142 Historic Architectural Commission Design Guidelines
adopted - **Count 6**
Officer Kenneth JW Waite
Certified Service: 2-3-2017 - amended notice
Initial Hearing: 10-19-2016

Continuance granted to May 31, 2017

Count 1: For failure to obtain a building permit for the enclosure of the second story porch. **Count 2:** For failure to obtain a building permit for the exterior stairway. **Count 3:** For failure to obtain a building permit and inspections for the plumbing that was installed. **Count 4:** For failure to obtain a certificate of appropriateness for the enclosure of the second story porch. **Count 5:** For failure to obtain a certificate of appropriateness for the exterior stairway. **Count 6:** For failure to obtain a certificate of appropriateness for the satellite dish that was installed.

The Special Magistrate granted the request to continue this case to May 31, 2017.

24

Case # 16-667

Daniel J. Dingeman

6 Sunset Key Drive

Sec. 122-990(6)(b) Dimensional requirements

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

Sec. 14-327 Inspection.

Officer Kenneth JW Waite

Certified Service: 12-12-2016

Initial Hearing: 1-25-2017

Continance granted to April 26, 2017

Count 1: Failure to obtain an after-the-fact permit or an after-the-fact variance as the location of pool pump to the dividing fence is 8 inches and the required minimum setback is 2.5 feet. **Count 2:** Failure to apply for permits to relocate the pool pump. **Count 3:** Failure to obtain a mechanical inspection for the pool pump from the City of Key West Building Department.

The Special Magistrate granted the request to coninue this case to April 26, 2017.

25

Case # 16-861

Interstate Enterprises Group, Inc.

901 White Street 903

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

Sec. 14-262 Request for inspection

Sec. 90-363 Certificate of occupancy - required - **Request dismissal**Sec. 58-61 Determination and levy charge - **Request dismissal**Sec. 66-87 Business tax receipt required for all holding themselves out
to be engaged in business - **Request dismissal**

Officer Kenneth JW Waite

Certified Service: 9-15-2016

Initial Hearing: 10-19-2016

In compliance March 17, 2017, fees pending

Count 1: For failure to obtain a building permit for the pool house which contain windows. Original permit was for a shed only without windows. **Count 2:** For failure to obtain an electrical permit/inspection for the window air conditioner that was installed in the pool house.

Count 3: For failure to obtain a certificate of occupancy. Pool house is being advertised as a rental unit. **Count 4:** The pool house does not have the required utility accounts or legal unit determination. **Count 5:** For failure to obtain a business tax receipt to rent the pool house.

The Special Magistrate stated the case was in compliance with fees pending.

26

Case # 16-867

Tropicar, Inc.

Robert Ramey III - Registered Agent

1300 Duval Street

Sec. 18-359 Identification by decal

Officer Kenneth JW Waite

Certified Service: 1-30-2017 - Registered Agent

Initial Hearing: 3-29-2017

Continuance granted to April 26, 2017

Count 1: For failure to obtain and post required decals on electric cars.

The Special Magistrate granted the request to continue this case to April 26, 2017.

27

Case # 16-948

Beauty Boutique & The Glam Squad, LLC
Karrie P Bond
1920 Patterson Avenue
Sec. 66-102 Dates due and delinquent; penalties
Officer Kenneth JW Waite
Certified Service:
Initial Hearing: 2-15-2017

In compliance on March 27, 2017, request dismissal

Count 1: The business tax receipt for Beauty Boutique & The Glam Squad has been delinquent since 30 Sept 2015

The Special Magistrate granted the request to dismiss this case.

28

Case # 16-1490

Poinciana Park Partners LLP - Property Owner
Gabriele Ostrowicki, PA - Registered Agent
Jean F Camille - Mobile Home Owner
1300 15th Court 28
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Kenneth JW Waite
Certified Service: 1-13-2017 - Registered Agent
Certified Service: 1-13-2017 - Mobile Home Owner
Initial Hearing: 2-15-2017

In compliance March 23, 2017, request dismissal

Count 1: For failure to obtain a building permit and a licensed contractor for the enclosed structure.

The Special Magistrate granted the request to dismiss this case.

29

Case # 16-1644

Ronald Baecker

1111 Watson Street A

Sec. 18-601 License required. - **Count 1**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Count 2, and Counts 3 - 9**

Officer Kenneth JW Waite

Certified Service: Verified 2-16-17 via email - Amended notice

Initial Hearing: 1-25-2016

Request continuance to April 26, 2017 for the Settlement Agreement

Count 1: For being held out/advertised on AIRBNB.com from 2 May 2016 through 9 May 2016 for a total of \$1,548.00 without the benefit a transient rental license. **Count 2:** The subject property is being rented transiently without the benefit of city, county and state license; transient medallion and fire inspection. **Counts 3 - 9:** For holding out for transient rental for 7 nights the dates of 2 May 2016 through 9 May 2016 for a total of \$1,548.00 without the benefit of a transient license.

The Special Magistrate granted the request to continue this case to April 26, 2017.

30

Case # 16-1686

Soap Stories Tampa Bay Inc. - Registered Agent
Incorporation Services LTD
617 Duval Street
Sec. 18-441 Required
Officer Kenneth JW Waite
Certified Service: 2-13-2017 - Amended notice
Initial Hearing: 2-15-2017

Continued from February 15, 2017

Count 1: On 21 Dec 2016, officer observed a male employee of Soap Stories Tampa Bay Inc. d.b.a Era Ageless, who is not in possession of an off premise canvassing license, applying cosmetics to a female on the sidewalk directly in front of 617 Duval Street.

Loriellen Robertson attended this hearing as representative of the owner. Ms. Robertson requests a notice of appearance and motion for continuance. Ms. Robertson discussed a potential settlement agreement with Mr. Ramsingh and received the copy this afternoon. She stated the client is out of the country. There are terms in the agreement that they did not discuss yesterday. She will need to clarify this. Ms. Robertson stated there is an individual that they believe has a disability and they will be discussing this with a disability attorney. Mr. Ramsingh agreed to a continuance. The Special Magistrate granted the request for continuance to April 26, 2017.

31

Case # 17-39

Cama Sdira LLC FBO Alex Model

1501 White Street

Sec. 18-601 License required - **Count 1**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Count 2**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations. D (9) - **Counts 3 - 10**

Officer Kenneth JW Waite

Certified Service: 1-8-2017

Initial Hearing: 3-29-2017

In compliance March 15, 2017, request Finding of Violation without fees

Count 1: For holding out/advertising for short term rental on VRBO.com for 8 nights for the dates of 14 April 2017 through 22 April 2017 without the benefit of a transient rental license. **Count 2:** For holding out/advertising for short term rental without the benefit of the required city, county and state licensing; fire inspection and transient medallion. **Counts 3 - 10:** For holding out for transient rental for 8 nights the dates of 14 April 2017 through 22 April 2017 for a total of \$5,596.58 without the benefit of a transient license.

The Special Magistrate granted the request for Finding of Violation without fees or fines.

32

Case # 17-71

1800 C221 Rental LLC

Gregory Oropeza - Registered Agent

Traci Totino - MGR

1800 Atlantic Boulevard C221

Sec. 66-103 Transfer of license - **Count 1**Sec. 18-601 License required - **Count 2; Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Count 3; Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations. D (9) - **Counts 4 - 10; Repeat Violations**

Officer Kenneth JW Waite

Certified Service: 1-21-2017 - Registered Agent

Initial Hearing: 3-29-2017

Settlement Agreement

Count 1: Failure to transfer the license to the new property owner's name and viable mailing address. **Count 2:** For holding out/advertising for short term rental for 7 nights on the dates of 20 May 2017 through 27 May 2017 without the benefit of a transient rental license. **Count 3:** Holding out/advertising for short term rental without the benefit of the required city, county and state licensing; transient medallion and fire inspection. **Counts 4 - 10:** Holding out/advertising for transient rental for 7 nights the dates of 20 May 2017 - 27 May 2017 for a total of \$2,441.88 without the benefit of a transient license.

A settlement agreement was presented to the Special Magistrate which he approved. Administrative costs of \$250 were imposed with a fine of \$4,500 with \$4,000 suspended and a payment of a fine of \$500 for a total of \$1,250. This was properly executed by all parties.

33

Case # 17-100

Clifford Fick

415 Julia Street

Sec. 18-601 License required - **Count 1**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Count 2**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations. D (9) - **Counts 3 - 9**

Officer Kenneth JW Waite

Certified Service: 1-28-2017

Initial Hearing: 3-29-2017

In compliance March 2, 2017, request dismissal

Count 1: For holding out/advertising on VRBO.com for short term rental for 7 nights for the dates of 4 May 2017 through 11 May 2017 without the benefit of a transient rental license. **Count 2:** For holding out/advertising without the benefit of required city, county and state licensing; transient medallion and fire inspection. **Counts 3 - 9:** For holding out for transient rental for 7 nights for the dates 4 May 2017 through 11 May 2017 for a total of \$1,251.87 without the benefit of a transient license.

The Special Magistrate granted the request to dismiss this case.

34

Case # 17-162

Michael J. McMahon
107 Front Street 217

Sec. 18-601 License required - **Count 1; Repeat/Irreparable Violation**

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Count 2; Repeat/Irreparable Violation**

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations. D (9) - **Counts 3 - 9; Repeat/Irreparable Violation**

Officer Kenneth JW Waite
Posted: 3-9-2017
Initial Hearing: 3-29-2017

New Case

Count 1: Being held out/advertising on VRBO.com for short term rental for 7 nights for the dates of 11 June 2017 through 18 June 2017 without the benefit of a transient rental license. **Count 2:** Being held out/advertising for short term rental without the benefit of required city, county and state licensing; transient medallion and fire inspection.

Counts 3 - 9: Being held out/advertising for transient rental for 7 nights for the dates of 11 June 2017 through 18 June 2017 for a total of \$6,434.45 without the benefit of a transient license.

The Respondent did not attend. Officer Kenneth Waite gave testimony. The city asked that we verbally delete the irreparable charge as this is only a repeat violation. The Special Magistrate agreed. Officer Waite gave an evidence package of the violation to the Special Magistrate. The city asked for \$500 per day per count as a repeat for 9 counts and court cost of \$250 for a total of \$4,750. The Special Magistrate granted the request for \$250 in costs and a total fine of \$4,500 making the total due of \$4,750.

35

Case # 17-166

Michael J. McMahan

100 Admirals Lane

Sec. 18-601 License required - **Count 1; Repeat/Irreparable****Violation**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Count 2; Repeat/Irreparable Violation**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations. D (9) - **Counts 3 - 9; Repeat/Irreparable****Violations**

Officer Kenneth JW Waite

Posted: 3-9-17

Initial Hearing: 3-29-2017

New Case

Count 1: Being held out/advertising on VRBO.com for short term rental on the dates 11 June 2017 through 18 June 2017 without the benefit of a transient rental license. **Count 2:** Being held out/advertising for short term rental without the benefit of required city, count and state licensing; transient medallion and fire department.

Counts 3 - 9: Being held out for transient rental for 7 nights for the dates 11 June 2017 through 18 June 2017 for a total of \$3,754.75 without the benefit of transient license.

The Respondent did not attend. Officer Kenneth Waite gave testimony. This case is related to case #17-162. The city asked that we verbally delete the irreparable charge as this is only a repeat violation. The Special Magistrate agreed. Officer Waite gave testimony with an evidence package of the violation to the Special Magistrate. The city asked for \$500 per day per count as a repeat for 9 counts and court cost of \$250 for a total of \$4,750. The Special Magistrate granted the request for \$250 in costs and a total fine of \$4,500 making the total due of \$4,750.

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Case # 16-1236

Whammy Key, LLC

Alfred Phillips - Registered Agent

903 Duval Street

Sec. 14-37 Building permits, display

Sec. 14-40 Permits in the Historic District

~~Sec. 122-750 (6) Dimensional HRCC 3 - Dismissed~~

Sec. 110-256 (5)(i) Tree abuse

Officer Jim Young

Certified Service: 11-09-2016 - Registered Agent

Initial Hearing: 11-16-2016

Continued from January 25, 2017 for compliance.

Count 1: Failure to obtain after-the-fact Building permits or obtain a demolition permit and remove the stage as the stage has been built in the side setback. **Count 2:** Failure to obtain HARC Certificate of Appropriateness or obtain a demolition permit and remove the stage as the stage has been built in the side setback. ~~Count 3: Failure to obtain after the fact Building permits or obtain a demolition permit and remove the stage as the stage has been built in the side setback.~~

Count 4: Failure to un-attach the stage from the tree as it is nailed to the tree with a two by four.

Mr. McChesney attended this hearing for Christy Spottswood as representative of the Respondents. Director Jim Young stated Mr. McChesney would like to speak first. He stated the Respondents will be having the stage demolished. They are asking for a one month continuance to come into compliance. Mr. Ramsigh, for the city, agreed for the continuance with the caveat that it needs to be finished and completed before April 25, 2017; otherwise, the city will be asking for daily fines. The Special Magistrate agreed for continuance to April 25, 2017 with the stipulation of the parties.

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Case # 17-170

Conch Electric Cars of Key West, LLC
Albert L. Kelley - Registered Agent
100 Grinnell Street

Sec. 18-415 (1) (h) Restrictions in historic district - **Irreparable Violation**

Officer Jim Young
Certified Service: 2-7-2017
Initial Hearing: 3-29-2017

Request continuance to April 26, 2017 for the Settlement Agreement

Count 1: Observed the owner of Conch Electric Cars of Key West LLC off-premise canvassing at the prohibited area known as Key West Bight on 2 February 2017.

The Special Magistrate granted the request to continue this case to April 26, 2019 for entry of a settlement agreement.

Liens

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Case # 17-285

Andy Farcia
301 White Street Apartment 1B
Sec. 42-1 Offenses under state law (c) (1)
Certified Service:
Initial Hearing: 3-29-2017

Request for continuance to April 26, 2017 for service

The Special Magistrate granted the request to continue this case to April 26, 2017.

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Case # 17-286

Shaquille J. Minondo
301 White Street
Sec. 42-1 Offenses under state law (c) (1)
Certified Service: 2-28-2017
Initial Hearing: 3-29-2017

New Case

The Special Magistrate approved filing of the lien for \$120.

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Case # 17-287

Reginald Allen Wallace

1010 Emma Street

Sec. 42-1 Offenses under state law (c) (1)

Certified Service:

Initial Hearing: 3-29-2017

Request continuance to April 26, 2017 for service

The Special Magistrate granted the request to continue this case to April 26, 2017.

Adjournment