



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Code Compliance Hearing

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Wednesday, April 26, 2017

1:30 PM

Old City Hall

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**ADA Assistance:** It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 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 # 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 May 31, 2017**

**Count 1:** Porch and back enclosure built without benefit of building permits.

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

2

**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 &amp; ASCE 24-05 [Sections 7.2, 7.3 &amp; 7.4]

Plumbing/Electrical/Mechanical Installed/Constructed Below Flood Officer Scott Fraser

Hand Served: 1-9-2017

Initial Hearing: 12-21-2016

**In compliance April 10, 2017, fees still due**

**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.

Compliance was obtained on April 10, 2017, fees are still due. Case to remain open until they are paid.

3

**Case # 16-917**

Phillip & Patsy Amsterdam - Property Owner

Mr. Wayne Smith - Registered Agent

512 Caroline Street

Sec. 18-601 License required.

Sec. 90-363 Certificate of occupancy - Required.

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

Officer Leonardo Hernandez

Certified Service: 12-15-2016 - Property Owner

Certified Service: 12-15-2016 - Registered Agent

Initial Hearing: 1-25-2017

**Continued from February 15, 2017**

**Count 1:** This business is renting short term at least two illegal units without the required license. There are 8 actual units, one is allegedly employee housing but only 5 are recognized. **Count 2:** Required certificate of occupancy was never procured or issued for 3 units in question. **Count 3:** Required building permits were never procured or issued for the 3 units in question.

**James Hendrick attended the hearing for the Amsterdam's. The Special Magistrate granted his request to continue this case to June 28, 2017.**

4

**Case # 16-1028**

Phillip &amp; Patsy Amsterdam - Property Owner

Mr. Wayne Smith - Registered Agent

511 Caroline Street

Sec. 18-601 License required.

Sec. 90-363 Certificate of occupancy - Required.

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

Officer Leonardo Hernandez

Certified Service: 12-15-2016 - Property Owner

Certified Service: 12-15-2016 - Registered Agent

Initial Hearing: 1-25-2017

**Continued from February 15, 2017**

**Count 1:** This business is renting short term 5 units without the required license. **Count 2:** Required certificate of occupancy was never procured or issued for 5 units in question. **Count 3:** Required building permits were never procured or issued for the 5 units in question.

**James Hendrick attended the hearing for the Amsterdam's. The Special Magistrate granted his request to continue this case to June 28, 2017.**

5

**Case # 17-68**

The Salvation Army

1920 Flagler Avenue

Sec. 14-261 Failure to obtain

Sec. 14-262 Request for inspection

Officer Leonardo Hernandez

Certified Service: 4-10-2017

Initial Hearing: 4-26-2017

**Continuance granted to May 31, 2017**

**Count 1:** For failure to pay for the electrical permit. **Count 2:** For failure to obtain the required electrical inspection.

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

6

**Case # 17-223**

Harley &amp; Merav Cutler

1507 4th Street

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

Sec. 14-261 Failure to obtain

Sec. 14-262 Request for inspection

Officer Leonardo Hernandez

Certified Service: 3-31-2017

Initial Hearing: 4-26-2017

**New Case**

**Count 1:** For failure to obtain a building permit for the erection of the laundry room. **Count 2:** For failure to obtain a permit for the installation of electricity for the laundry room. **Count 3:** For failure to request an inspection for the electrical work that was done in the laundry room.

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

7

**Case # 17-226**

Robert Bowersox Trust 12/30/92

1212 Georgia 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: 3-31-2017

Initial Hearing: 4-26-2017

**Continuance granted to May 31, 2017**

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

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

8

**Case # 17-396**

Zapp Rideshare, Inc.

Frank Scozzafava - registered agent

2600 North Roosevelt Boulevard

Sec. 66-92 License required for each location

Sec. 122-448 Conditional uses

Sec. 18-355 Recreational rental vehicle deemed conditional use

Officer Leonardo Hernandez

Certified Service: 3-30-2017

Initial Hearing: 4-26-2017

**In compliance March 39, 2017, request dismissal**

**Count 1:** A license is required for each location for a business. **Count 2:** Rentals of mopeds/scooters are prohibited in the CG (Commercial General) district without a conditional use. **Count 3:** A conditional use is required to have a moped/scooter business in the CG district.

The Special Magistrate granted the request to dismiss this case.

9

**Case # 17-398**

Zapp Rideshare, Inc.

Frank Scozzafava - registered agent

2600 North Roosevelt Boulevard

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

Officer Leonardo Hernandez

Certified Service: 3-30-2017

Initial Hearing: 4-26-2017

**In compliance March 24, 2017, request dismissal**

**Count 1:** For failure to obtain a building permit prior to installation of the sheds.

The Special Magistrate granted the request to dismiss this case.

10

**Case # 17-411**

Zapp Rideshare, Inc.

200 William Street

Sec. 66-92 License required for each location

Sec. 122-688 Conditional Uses

Sec. 18-381 Instruction and training

Sec. 18-355 Recreational rental vehicle deemed conditional use

Officer Leonardo Hernandez

Certified Service: 3-30-2017

Initial Hearing: 4-26-2017

**Continuance granted to May 31, 2017**

**Count 1:** A license is required for each location for a business. **Count 2:** Rentals of mopeds/scooters are prohibited in the HRCC-1 (Historic Residential Commercial Core) district without a conditional use. **Count 3:** Zapp Rideshare is renting mopeds/scooters without the required instruction and training. **Count 4:** A conditional use is required to have a moped/scooter business in the HRCC-1 district.

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

11

**Case # 17-415**

Zapp Rideshare, Inc.

Frank Scozzafava

3850 North Roosevelt Boulevard - Hilton Garden Inn

Sec. 66-92 License required for each location

Sec. 122-418 Conditional uses

Sec. 18-381 Instruction and training

Sec. 18-355 Recreational rental vehicle deemed conditional use

Officer Leonardo Hernandez

Certified Service: 3-30-2017

Initial Hearing: 4-26-2017

**Continuance granted to May 31, 2017**

**Count 1:** A license is required for each location for a business. **Count 2:** Rentals of mopeds/scooters are prohibited in the CG (Commercial General) district without a conditional use. **Count 3:** Zapp Rideshare is renting mopeds/scooters without the required instruction and training. **Count 4:** A conditional use is required to have a moped/scooter business in the CG district.

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

12

**Case # 17-416**

Zapp Rideshare, Inc.

Frank Scozzafava

3824 North Roosevelt Boulevard

Sec. 66-92 License required for each location

Sec. 122-688 Conditional uses

Sec. 18-381 Instruction and training

Sec. 18-355 Recreational rental vehicle deemed conditional use

Officer Leonardo Hernandez

Certified Service: 4-1-2017

Initial Hearing: 4-26-2017

**Continuance granted to May 31, 2017**

**Count 1:** A license is required for each location for a business. **Count 2:** Rentals of mopeds/scooters are prohibited in the CG (Commercial General) district without a conditional use. **Count 3:** Zapp Rideshare is renting mopeds/scooters without the required instruction and training. **Count 4:** A conditional use is required to have a moped/scooter business in the CG district.

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



13

**Case # 17-417**

Zapp Rideshare, Inc.

Frank Scozzafava

3852 North Roosevelt Boulevard - The Gates Hotel

Sec. 66-92 License required for each location

Sec. 122-418 Conditional uses

Sec. 18-381 Instruction and training

Sec. 18-355 Recreational rental vehicle deemed conditional use

Officer Leonardo Hernandez

Certified Service: 4-1-2017

Initial Hearing: 4-26-2017

**Continuance granted to May 31, 2017**

**Count 1:** A license is required for each location for a business. **Count 2:** Rentals of mopeds/scooters are prohibited in the CG (Commercial General) district without a conditional use. **Count 3:** Zapp Rideshare is renting mopeds/scooters without the required instruction and training. **Count 4:** A conditional use is required to have a moped/scooter business in the CG district.

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

14

**Case # 17-446**

Zapp Rideshare, Inc.

Frank Scozzafava

3800 North Roosevelt Boulevard - Wrecker's Bar &amp; Grill

Sec. 66-92 License required for each location

Sec. 122-418 Conditional uses

Sec. 18-381 Instruction and training

Sec. 18-355 Recreational rental vehicle deemed conditional use

Officer Leonardo Hernandez

Certified Service: 4-3-2017

Initial Hearing: 4-26-2017

**Continuance granted to May 31, 2017**

**Count 1:** A license is required for each location for a business. **Count 2:** Rentals of mopeds/scooters are prohibited in the CG (Commercial General) district without a conditional use. **Count 3:** Zapp Rideshare is renting mopeds/scooters without the required instruction and training. **Count 4:** A conditional use is required to have a moped/scooter business in the CG district.

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

15

**Case # 16-804**

415 Bahama Key Corp

Peter Williams - title pres

1322 Olivia Street

Sec. 14-40 Permits in historic districts

Officer Beau Langford

Posted: 3-30-2017

Initial Hearing: 4-26-2017

**New Case**

**Count 1:** For failure to obtain a certificate of appropriateness to either remove and/or move the two a/c units to acceptable positions on the structure.

The respondent, Peter Williams, did not attend the hearing. Officer Langford submitted evidence, gave testimony and requested a finding of violation with Administrative Fees of \$250.00 and a fine of \$250.00 per day starting May 1, 2017. The Special Magistrate found Mr. Williams in violation of not obtaining a certificate of appropriateness to either remove and/or move the two a/c units to acceptable positions on the structure and imposed the Administrative Fees and Fines as requested.

16

**Case # 16-1552**

Laney & Stephanie Caston  
1901 South Roosevelt Boulevard S302  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings  
Sec. 122-1371 Transient living accommodations in residential dwellings - **Counts 2 - 14**  
Officer Beau Langford  
Certified Service: 1-23-2017  
Initial Hearing: 2-15-2017

**Continuance granted to May 31, 2017**

**Count 1:** For holding the property out for short term rentals on VRBO.com for the dates of 15 Jan 2017 through 27 Jan 2017 without a transient rental license. **Count 2:** For holding the property out for short term rentals on VRBO.com for the dates of 15 Jan 2017 through 27 Jan 2017 without the benefit of the required city, county and state licensing, medallion and fire inspection. **Counts 3 through 14:** The subject property owner is holding out for transient rental for 12 nights for a total of \$3,744.00.

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

17

**Case # 17-80**

Nicole De Rita  
Robert Riccio  
816 Terry Lane  
Sec. 66-87 Business receipt required for all holding themselves out to be engaged in business  
Officer Gerald Leggett  
Certified Service:  
Initial Hearing: 4-26-2017

**In compliance March 31, 2017, request dismissal**

**Count 1:** For failure to obtain a business tax receipt to rent your property.

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

18

**Case # 17-99**

Papa Scooters Inc.  
Lucas Rowell - registered agent  
David Larochelle - title, CEO  
Mobile Vendor  
Sec. 18-354 Permit required; application; franchise fees  
Officer Gerald Leggett  
Certified Service: 3-16-2017  
Initial Hearing: 4-26-2017

**In compliance March 20, 2017, request dismissal**

**Count 1:** Papa Scooters is advertising free delivery of scooters to Key West without a business tax receipt. **Count 2:** Papa Scooters is doing business in Key West without the proper permit.

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

19

**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  
Posted: 4-12-2017  
Initial Hearing: 3-29-2017

**In compliance April 21, 2017, request dismissal**

**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 dismiss this case.**

20

**Case # 17-333**

Poinciana Mobile Home Park - property owner

Louis Saintelien - mobile home owner

1300 15th Court 31

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

Officer Gerald Leggett

Certified Service: 4-1-2017 - mobile home owner

Certified Service: 4-1-2017 - property owner

Initial Hearing: 4-26-2017

**New Case****Count 1:** For failure to obtain a building permit prior to construction of the addition.

The respondents Poinciana Park Partners and Louis Saintelien, did not attend the hearing. Officer Leggett submitted evidence and gave testimony and requested that the court reserve on imposing fines until the compliance hearing. The Special Magistrate imposed Administrative Fess of \$250.00 and approved Officer Leggett's request. A compliance hearing will be held on May 31, 2017.

21

**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 June 28, 2017****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 June 28, 2017.

22

**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 March 29, 2017 for compliance and affidavit of costs**

**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.

Huge Morgan and Stuart Kessler attended the hearing. Mr. Morgan requested a meeting with the City for approval of the flotation devices. Mr. Ramsingh stated that he would need to call because now that attorneys are involved, they would both have to be there when the City does the inspection. A request to continue this case was denied, however, the Special Magistrate did extend the date that the fines would start accruing to May 17, 2017 if compliance is not obtained by May 16, 2017. Mr. Kessler did not object to the Affidavit of Costs that the City presented to cover the costs of the expert witnesses. A compliance hearing will be held on May 31, 2017.

23

**Case # 16-1614**

Erwin &amp; Didier M Mayer - Property Owner

Matelus &amp; 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

**In compliance April 3, 2017, request dismissal**

**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 dismiss this case.**

24

**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  
Posted: 3-29-2017  
Initial Hearing: 3-29-2017

**Continuance granted to May 31, 2017**

**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 May 31, 2017.

25

**Case # 17-331**

John Schmiegel  
1008 Grinnell Street A  
Sec. 108-677 Parking and storage of certain vehicles  
Officer Jorge Lopez  
Certified Service: 3-25-2017  
Initial Hearing: 4-26-2017

**In compliance April 4, 2017, request dismissal**

**Count 1:** For storing a scooter on the property without the required current license plate.

The Special Magistrate granted the request to dismiss this case.



26

**Case # 17-389**

Conch Shell Properties, Inc.  
Fouad Samaha - registered agent  
313 Duval Street  
Sec. 62-1 Deposits of oil, grease or other waste  
Officer Jorge Lopez  
Certified Service: 3-27-2017  
Initial Hearing: 4-26-2017

**Request continuance to May 31, 2017 for the Settlement Agreement**

**Count 1:** For allowing waste water to run down Rose Lane and onto Duval Street.

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

27

**Case # 17-433**

James Marsh - registered agent  
1001 Truman Avenue  
Sec. 62-2 Obstructions  
Officer Jorge Lopez  
Certified Service:  
Initial Hearing: 4-26-2017

**In compliance April 4, 2017, request dismissal**

**Count 1:** For placing bulk waste on the city right of way.

The Special Magistrate granted the request to dismiss this case.

28

**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

**In compliance April 25, 2017, request dismissal**

**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 dismiss this case.

29

**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

**Continued from March 29, 2017**

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

Robert Ramey III/Tropicar Inc. attended the hearing. Mr. Ramsingh said the ordinance states that the number of electric cars had to be submitted within 30 days and after that date, that would be the cap for rental vehicles operating in the City. Mr. Ramey admitted that he did not submit anything at that time and that the City would not accept his payment. The Special Magistrate found Mr. Ramey in violation. He imposed Administrative Fees of \$250.00. He also imposed a fine of \$250 per day if compliance is not obtained by June 27, 2017. A compliance hearing will be held on June 28, 2017.

30

**Case # 16-1523**

KDA Group Inc.

D'Or 24K KW

Elidor Oz

291 Front Street

Sec. 18-705 Requirements of permit holder

Officer Kenneth JW Waite

Hand Served: 11-4-2016

Initial Hearing: 12-21-2016

**Continued from February 15, 2017****Repeat Violation**

**Count 1:** For failure to supply the customer a pre-written statement prior to applying lotion.

**Richard Wunsch attended the hearing representing D'Or 24K KW. After hearing testimony, the Special Magistrate dismissed this case because there was never a mention of the customer buying any products and the ordinance does include the wording "to be purchased".**

31

**Case # 16-1620**

Roxanne E Fleszar

Michel Appellis

723 Catherine Street

Sec. 18-601 License Required - Counts 1 and 2

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations D (9) - Count 3 through 9

Officer Kenneth JW Waite

Certified Service: 2-23-2017

Initial Hearing: 4-26-2017

**Continuance granted to May 31, 2017**

**Count 1:** The subject property was held out for 7 nights rental, 15 August 2017 - 22 August 2017 without the required transient rental business tax receipt. **Count 2:** The subject property is being held out/advertised for short term rental without the benefit of the required city, county and state licensing and does not have the required transient medallion or the required fire inspection. **Counts 3 through 9:** The subject property is being held out for transient rental for 7 nights, 15 August 2017 through 22 August 2017 for a total of \$4,130.00.

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

32

**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

**Continued granted to May 31, 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 May 31, 2017 for the Settlement Agreement.**

33

**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 March 29, 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.

**The Special Magistrate granted the request to continue this case to May 31, 2017 for the Settlement Agreement.**

34

**Case # 17-275**

Matthew N Boucher

3128 Riviera Drive

Sec. 18-601 License required - Repeat Violation

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

Officer Kenneth JW Waite

Certified Service: 3-1-2017

Initial Hearing: 4-26-2017

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

**Count 1:** The subject property is being held out on VRBO.com for short term rental without the benefit of a transient rental license for 7 nights, 16 April 2017 through 23 April 2017. **Count 2:** The subject property is being held out/advertised for short term rental without the benefit of the required city, county and state licensing. The subject property does not have a transient medallion and has not obtained the required fire inspection. **Counts 3 through 9:** The subject property owner is holding out for transient rental for 7 nights, 16 April 2017 through 23 April 2017, for a total of \$3,710.00.

**The Respondent, Matthew Boucher, did not attend the hearing. Officer Waite submitted evidence, gave testimony and requested Administrative Fees of \$250.00 plus \$500.00 per count, per day (9 counts) for a total of \$4,750.00. The Special Magistrate found Mr. Boucher in violation and imposed the Administrative Fees and Fines as requested.**

35

**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

**In compliance April 24, 2017, request Findings and Order with \$250 Administrative Fees and no fines**

**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.

The Respondent nor their attorney attended the hearing. A request was submitted for a finding of violation with Administrative Fees of \$250.00. The Special Magistrate approved the request.

36

**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

**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 Respondent, Renata Lavenir, did not attend the hearing. The Special Magistrate was presented a Settlement Agreement which he approved. The Respondent stipulates to the imposition of the Administrative Fees of \$250.00 and a fine of \$250.99 for a total of \$500.00.

**Liens**

37

**Case # 17-285**

Andy Farcia

301 White Street Apartment 1B

Posted: 3-22-2017

Initial Hearing: 3-29-2017

**In compliance April 25, 2017, request dismissal**

The Special Magistrate granted the request to dismiss this case.

38

**Case # 17-287**

Reginald Allen Wallace

1010 Emma Street

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

Posted: 4-5-2017

Initial Hearing: 3-29-2017

**In compliance April 12, 2017, request dismissal**

The Special Magistrate granted the request to dismiss this case.



**Adjournment**