



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final - Final

### Code Compliance Hearing

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Wednesday, November 16, 2016

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 305-809-3731 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 # 15-837**

Fred V & Eileen A Redmond

3314 Northside Drive 16

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

Sec. 90-365 Violations and penalties

Officer Bonnita Badgett

Certified Service: 12-10-2015

Initial Hearing: 12-16-2015

**Continuance granted to February 22, 2017**

**Count 1:** Each rental unit requires a business tax receipt to rent non-transiently. **Count 2:** The second unit needs to be legalized as a residential unit.

**The Special Magistrate granted the request to continue this case to February 22, 2017.**

2

**Case # 16-1196**

Sun N Sand 3 of Key West, LLC

Nir Sela

Yakov Blives

Talia Krespy

327 Duval Street 329

Sec. 58-34 Unlawful disposal

Officer Bonnita Badgett

Certified Service: 10-27-2016 - Talia Krespy

Certified Service: 10-28-2016 - Nir Sela

Initial Hearing: 11-16-2016

**In compliance November 2, 2016, request Finding of Violation without fees or fines****Count 1:** Failure to have own garbage container and to place garbage in front of store.**The Special Magistrate granted the request for Finding of Violation without fees or fines.**

3

**Case # 15-1327**

Far Niente, LLC

Jack Spottswood, Registered Agent

416 Elizabeth Street

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

Sec. 14-40 Permits in historic districts

Officer Peg Corbett

Certified Service: 2-18-2016

Initial Hearing: 3-30-2016

**Continued from September 28, 2016 for compliance****Count 1:** A fence in excess of 8' in height was built on the side and rear of the subject property without benefit of a building permit. **Count 2:** A fence in excess of 8' in height was built on the side and rear of the subject property without benefit of a certificate of appropriateness.**Richard McChesney represented Far Niente, LLC. Ron Ramsingh gave testimony of the history of the case in which they are on the December agenda for HARC. Mr. McChesney agreed with Mr. Ramsingh on all points and asked for a continuance. The Special Magistrate granted a continuance to January 25, 2017.**

4

**Case # 16-1129**

Key Cove Landing LLC

Christopher Belland - Registered Agent

10 Key Cove Drive

Sec. 18-601 License required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-12-2016

Initial Hearing: 8-31-2016

**Continuance granted to December 21, 2016**

**Count 1:** For holding out/advertising for short term rentals on **VRBO** without a business tax receipt. City reserved the dates of 17 Sept 2016 through 23 Sept 2016 (6 nights) for \$4,035.60. **Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion. **Counts 3 - 8: Sec. 122-1371 (d)** **9:** For holding out/advertising for short term rentals when it is not permitted. Previous case was 15-249 where Mr. Belland signed a Settlement Agreement.

**The Special Magistrate granted the request to continue this case to December 21, 2016.**

5

**Case # 16-1130**

Key Cove Landing LLC

Christopher Belland - Registered Agent

10 Key Cove Drive

Sec. 18-601 License required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-12-2016

Initial Hearing: 8-31-2016

**Continuance granted to December 21, 2016**

**Count 1:** For holding out/advertising for short term rentals on **www.homeaway.com** without a business tax receipt. City reserved the dates of 17 Sept 2016 through 23 Sept 2016 (6 nights) for \$4,035.60.

**Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion.

**Counts 3 - 8: Sec. 122-1371 (d) 9:** For holding out/advertising for short term rentals when it is not permitted. Previous case was 15-249 where Mr. Belland signed a Settlement Agreement.

**The Special Magistrate granted the request to continue this case to December 21, 2016.**

6

**Case # 16-1167**

Key Cove Landing LLC

Christopher Belland - Registered Agent

4 Key Cove Drive

Sec. 18-601 License Required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-16-2016

Initial Hearing: 8-31-2016

**Continuance granted to December 21, 2016**

**Count 1:** Being held out/advertised on VRBO for short term rental without the required business tax receipt. City reserved the dates of 17-Sept 2016 through 23 Sept 2016 for \$3,979.35. Mr. Belland was previously cited for the same charge and signed a Settlement Agreement for case number 15-249. **Count 2:** The property is being held out/advertised for short term rental without the requisite city, county and state licensing. The property does not have a transient medallion and has not been inspected by the Fire Department. **Counts 3 - 8: Sec. 122-1371 (d) 9:** The property is being held out/advertised for short term rental for six nights beginning 17 Sept 2016 for \$3,979.35 without the benefit of a transient license.

**The Special Magistrate granted the request to continue this case to December 21, 2016.**

7

**Case # 16-1169**

Key Cove Landings LLC

Christopher Belland - Registered Agent

4 Key Cove Drive

Sec. 18-601 License Required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-16-2016

Initial Hearing: 8-31-2016

**Continuance granted to December 21, 2016**

**Count 1:** Being held out/advertised on www.homeaway.com for short term rental without the required business tax receipt. City reserved the dates of 17- Sept 2016 through 23 Sept 2016 for \$4,016.35. The property is advertised with a four night minimum. Mr. Belland was previously cited for the same charge and signed a Settlement Agreement for case number 15-249. **Count 2:** The property is being held out/advertised for short term rental without the requisite city, county and state licensing. The property does not have a transient medallion and has not been inspected by the Fire Department. **Counts 3 - 8: Sec. 122-1371 (d) 9:** The property is being held out/advertised for short term rental for six nights beginning 17 Sept 2016 for \$4,016.35 without the benefit of a transient license.

The Special Magistrate granted the request to continue this case to December 21, 2016.

8

**Case # 16-1342**

Vernon A. Kadel Electrical  
Florida Incorporations, Inc. - Registered Agent  
3126 Flagler Avenue  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Sophia Doctoche  
Certified Service: 10-21-2016 - Registered Agent  
Initial Hearing: 11-16-2016

**Request dismissal for redraft**

**Count 1:** Failure to renew the business license which expired 30 September 2015.

**The Special Magistrate granted the request for the dismissal of the case for redraft.**

9

**Case # 16-1363**

Juan Carlos Rodriguez  
2305 Patterson Avenue  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exception  
Sec. 14-262 Requests for inspection; required  
Officer Scott Fraser  
Hand Served: 10-6-2016  
Initial Hearing: 10-19-2016

**This case was rescheduled to November 16, 2016**

**Count 1:** Respondent did install electrical wiring, electrical outlets, junction boxes and an electrical breaker box without benefit of the required electrical permits. **Count 2:** Respondent did energize electrical wiring, electrical outlets, junction boxes and a breaker box absent the required safety inspections contrary to law and the safety of the general public.

**Juan Carlos Rodriguez attended the hearing. Mr. Rodriguez stated that he was in violation. Officer Fraser gave testimony and requested costs of \$250 with a fine of \$250 for count 1 and \$250 suspended fine for 60 months for count 2 which was granted by the Special Magistrate. Mr. Rodriguez asked for extra time to pay and the Special Magistrate granted him 60 days.**

10

**Case # 16-532**

Truman Books & Video  
Ms. Terry G. Galardi - Business Owner  
Ms. Patricia Burnside - Register Agent  
Mr. Michael L. Browning Trust 6.28.91 - Property Owner  
922 Truman Avenue  
Sec. 14-40 Permits in historic districts  
Officer Leonardo Hernandez  
Certified Service: 6-21-2016 - Business Owner  
Certified Service: 6-22-2016 - Registered Agent  
Initial Hearing: 7-27-2016

**This case was rescheduled to November 16, 2016**

**Count 1:** For failure to obtain a certificate of appropriateness for exterior painting

**The respondent did not appear. Officer Hernandez gave testimony and requested continuance for compliance to December 21, 2016 for which the Special Magistrate granted.**

11

**Case # 16-1353**

Key West Mopeds  
D & R of Key West, Inc.  
Ronald A Barker - Registered Agent  
3340 N Roosevelt Blvd #6  
F.S. 553.5041 Parking spaces for persons who have disabilities  
Officer Leonardo Hernandez  
Certified Service: 9-28-2016  
Initial Hearing: 10-19-2016

**In compliance October 14, 2016, request dismissal**

**Count 1:** A building permit was obtained to repave the parking lot which required two handicap parking spaces. Only one was there and it was blocked by multiple scooters and bicycles.

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



12

**Case # 16-1302**

Monroe Glass & Mirror  
Cynthia Kaye - Registered Agent  
316 1/2 Simonton 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: 10-20-2016 - Business  
Certified Service: 10-20-2016 - Registered Agent  
Initial Hearing: 11-16-2016

**In compliance on November 14, 2016, request dismissal**

**Count 1:** Failure to obtain a building permit for the sign in question.  
**Count 2:** Failure to obtain HARC Certificate of Appropriateness for the sign.

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

13

**Case # 16-1421**

World Petroleum Corp.  
Michael B. Manes - Registered Agent  
Eric Miranda - President  
527 Duval Street  
Sec. 74-31 Unlawful deposits  
Sec. 66-87 Business tax receipt required for all holding themselves out to  
be engaged in business  
Officer Leonardo Hernandez  
Certified Service: 10-21-2016 - Eric Miranda  
Initial Hearing: 11-16-2016

**Settlement Agreement**

**Count 1:** Failure to dispose of waste water(s) adequately and safely.  
**Count 2:** Must obtain a business tax receipt with the City of Key West to  
work in city limits.

**A settlement agreement was presented to the Special Magistrate which he  
approved. Costs of \$250 were imposed along with a fine of \$500.**

14

**Case # 16-1422**

Walgreen Company Store #07089

The Prentice Hall Corporation System, Incorporated - Registered Agent  
527 Duval Street

Sec. 18-117 Acts declared unlawful

Officer Leonardo Hernandez

Certified Service: 10-18-2016 - Registered Agent

Certified Service: 10-17-2016 - Walgreen #07089

Initial Hearing: 11-16-2016

**Settlement Agreement****Count 1:** Failure to hire a business that is licensed within the City of Key West.**A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 were imposed along with a fine of \$250.**

15

**Case # 16-342**

Little Room Jazz Club LLC

Wayne L Smith, registered agent

821 Duval Street

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

Sec. 14-40 Permits in historic districts

Officer Beau Langford

Certified Service: 5-13-2016

Initial Hearing: 6-29-2016

**In compliance August 4, 2016, request dismissal****Count 1:** There are 3 signs at this location and only approved for 2. The pole sign was to be removed per building permit 15-00001766. **Count****2:** There are 3 signs at this location and only approved for 2. The pole sign was to be removed per HARC permit 15-01000655.**The Special Magistrate granted the request to dismiss this case.**

16

**Case # 16-885**

Waterway Wireless, Inc.

Michael Cook - Registered Agent

600 Whitehead Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Beau Langford

Certified Service: 10-27-2016 - Registered Agent

Initial Hearing: 11-16-2016

**In compliance November 9, 2016, request Finding of Violation without fees or fines****Count 1:** Failure to renew their business license which expired 30 Sept 2015.**The Special Magistrate granted the request for Finding of Violation without fees or fines.**

17

**Case # 16-1226**

Peter &amp; Dixie Janker

417 United Street

Sec. 14-40 Permits in historic districts

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - **Repeat Violation**Sec. 14-40 Permits in historic districts - **Repeat Violation**

Officer Beau Langford

Certified Service: 9-3-2016

Initial Hearing: 9-28-2016

**This case was rescheduled to November 16, 2016****Count 1:** Failure to apply and obtain an after-the-fact HARC Certificate of Appropriateness for painting. **Count 2:** Failure to apply and obtain proper permit for spiral staircase. **Count 3:** Failure to apply and obtain a HARC Certificate of Appropriateness for the spiral staircase.**David Pouliot from One Call Construction attended this hearing as representative of the owner. Mr. Pouliot gave testimony and requested a continuation to December 21, 2016 so the owner could attend the hearing. Officer Langford had no objection. The Special Magistrate granted the request to continue this case to December 21, 2016.**

18

**Case # 16-1348**

Nichol & Francis J Gonzon  
1002 Fleming Street  
Sec. 62-2 Obstructions  
Officer Beau Langford  
Certified Service: 9-26-2016  
Initial Hearing: 10-19-2016

**In compliance October 4, 2016, request Finding of Violation without fees or fines**

**Count 1:** There is a pile of tree debris on the Grinnell Street side of this property. There are two previous cases within the last two years for the same violation.

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

19

**Case # 16-1352**

Salsa Loca  
Nancy Mayhew  
618 Duval Street  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Beau Langford  
Certified Service: 9-27-2016  
Initial Hearing: 10-19-2016

**In compliance October 5, 2016, request dismissal**

**Count 1:** For failure to obtain a business tax receipt for the restaurant. Advertised on Facebook for opening September 17, 2016 and visited the property and it is open.

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

20

**Case # 16-1380**

Adrienne Curran

1011 Simonton Street 1/R1

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

Officer Beau Langford

Certified Service:

Initial Hearing: 11-16-2016

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

**Count 1:** Failure to apply and obtain a building permit for a new wood substructure for a deck. This is a repeat violation, Case #14-1737 which has a Findings and Order.

**Adrienne Curran attended this hearing. Officer Langford gave testimony stating this was a repeat violation. He requested \$250 costs and \$500 fine. Adrienne Curran admitted to the violation. The Special Magistrate imposed \$250 costs and \$250 fine for a total of \$500.00.**

21

**Case # 16-634**

Peter N Brawn

B-B Registries, LLC - Registered Agent

525 Caroline Street

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

Sec. 14-40 Permits in historic districts

Sec. 14-262 Requests for inspection

Officer Jorge Lopez

Certified Service: 6-17-2016 - Registered Agent

Initial Hearing: 7-27-2016

**Continuance granted to December 21, 2016**

**Count 1:** For failure to obtain building permit for installation of bathtub and toilet. **Count 2:** For failure to obtain a certificate of appropriateness to do siding replacement, deck repairs and installation of exterior door.

**Count 3:** Must request inspection for electrical work as soon as job is ready

**The Special Magistrate granted the request to continue this case to December 21, 2016.**

22

**Case # 16-727**

Whammy Key LLC

Alfred Phillips - Registered Agent

903 Duval Street

Sec. 26-192 Unreasonably excessive noise prohibited

Officer Jorge Lopez

Certified Service: 6-30-2016

Initial Hearing: 7-27-2016

**Continuance granted to December 21, 2016**

**Count 1:** Was given warning with a DBC of 86.9 on 6/3/16. Received another complaint, conducted a second reading on 6/25/16 with a DBC of 81.1 and was found in violation.

Christy Spottswood attended this hearing as representative of the owner. Ms. Spottswood stated she was not told until Tuesday November 15 that this case was to be continued. She and her clients are ready to proceed. Ron Ramsingh stated there were 4 prior continuances and that the conflicts are evenly spread around. Ms. Spottswood understood. She wanted due process notice and the right to be heard on a continuance request. In deference to her clients, the Special Magistrate agreed to a continuance to January 25, 2017.

23

**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 December 21, 2016**

**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 December 21, 2016.

**24****Case # 16-1262**

ICAMCO, Inc.

Peter Batty - R/A

Preferred Properties Coastal

3314 Northside Drive

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

Officer Jorge Lopez

Certified Service: 9-20-2016 - ICAMCO, Inc.

Certified Service: 10-11-2016 - Preferred Properties

Initial Hearing: 10-19-2016

**In compliance November 9, 2016, request dismissal****Count 1:** The dumpster at this location is overflowing with garbage which smells and is drawing flies.**The Special Magistrate granted the request to dismiss this case.**

25

**Case # 16-1403**

808 Southard Street, LLC

Peter Brawn - Owner

G, B&amp;B-B Registries, LLC - Registered Agent

812 Southard Street

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

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

Sec. 108-677 Parking storage of certain vehicles - **Request dismissal of count 3**Sec. 108-680 Recreational vehicles and boats - **Request dismissal of count 4**

Officer Jorge Lopez

Certified Service: 10-20-2016 - Registered Agent

Certified Service: 11-02-2016 - Owner

Initial Hearing: 11-16-2016

**Continuance granted to December 21, 2016****Count 1:** Failure to cut overgrown weeds and remove trailer loaded with debris and bulk waste to avoid unsightly and unsanitary conditions.**Count 2:** Failure to clean up debris accumulated on the sidewalk.**Count 3:** Failure to remove or put vehicles without license plates into completely enclosed building. **Count 4:** Failure to put boats in an

enclosed building or behind fence and/or plant vegetation so that it cannot be seen.

**The Special Magistrate granted the request to continue this case to December 21, 2016.**



26

**Case # 16-1410**

Richard Dostal &amp; Kelly Spero

208 Truman Avenue

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

Sec. 108-677 Parking storages of certain vehicles

Officer Jorge Lopez

Certified Service: 10-24-2016

Initial Hearing: 11-16-2016

**Continuance granted to December 21, 2016**

**Count 1:** Failure to clear yard debris which can be a breeding place for vermin, and/or create a nuisance or other unsightly or unsanitary condition. **Count 2:** Failure to remove or put in a completely enclosed building an unlicensed vehicle.

The Special Magistrate granted the request to continue this case to December 21, 2016.

27

**Case # 16-455**

Donald R Lynch

820 Carstens Lane

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

Sec. 14-40 Permits in historic districts

Officer Kenneth JW Waite

Certified Service: 10-4-2016

Initial Hearing: 10-19-2016

**Continuance granted to December 21, 2016**

**Count 1:** For failure to obtain a building permit for the second story porch. **Count 2:** 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 December 21, 2016.

28

**Case # 16-1200**

World Store Inc.

407 Front Street

Sec. 18-193 Custom work permit required; inspection; fee

Sec. 18-195 Requirements of permit holder (2)

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions - **In compliance November 8, 2016**Sec. 114-103 Prohibited signs (a)(5) - **In compliance November 8,  
2016**Sec. 18-195 Requirements of permit holder (4) - **In compliance  
November 15, 2016**

Officer Kenneth JW Waite

Hand Served: 9-27-2016

Initial Hearing: 10-19-2016

**This case was rescheduled to November 16, 2016**

**Count 1:** The business tax receipt for the custom work has not been issued, requires the business to pass the inspection. **Count 2:** Three inspections were conducted and all three times, the decals were not priced. **Count 3:** For failure to obtain a building permit for the henna sign that was secured to the exterior of the building. **Count 4:** The henna sign (plastic) is prohibited in historic districts. **Count 5:** Three inspections were conducted and all three times, the business did not possess the required pre-written statement.

**Mr. Abdurashidov attended the hearing as the representative for World Store, Inc . Officer Waite presented testimony stating they have failed 5 inspections. The city is requesting Finding of Violation with \$250 costs and \$100 per day, per count starting November 18, 2016. Mr. Abdurashidov stated he would pay. The Special Magistrate granted the request for Finding of Violation imposing \$250 costs and \$100 per day, per count starting November 18, 2016.**

29

**Case # 16-1303**

Blanche Stapleton

Michael McMahon

28 Seaside South Court

Sec. 18-601 License Required - **Repeat Violation**

Sec. 122-1371 Transient living accommodations in residential dwellings -

**Count 2 - Repeat Violation**

Sec. 122-1371 Transient living accommodations in residential dwellings -

**Counts 3 - 9 - Repeat Violation**

Officer Kenneth JW Waite

Posted: 10-20-2016

Initial Hearing: 9-28-2016

**This case was rescheduled to November 16, 2016**

**Count 1:** On 12 Sept 2016 the respondent advertised the property for short term rental on AIRBNB contrary to Sec. 18-602 (2), creating a rebuttable presumption of a violation of Sec. 18-601. On 31 Aug 2016 the Special Magistrate signed findings and order finding this property owner in violation, ase # 16-260. **Count 2:** The property owner is holding out/advertising for short term rental without the requisite city, county and state licensing nor does it have the required transient rental medallion or had a fire inspection. **Counts 3 - 9:** The subject property is being held out/advertising for short term rental for seven nights beginning 6 Oct 2016 for \$1353.00 without the benefit of a transient rental license.

**Blanche Stapleton and Michael McMahon did not appear. Officer Waite presented evidence and testimony stating he was able to book the unit for 7 nights and this is a repeat violation. The city is asking for Findings and Order of Violation with \$250 costs and \$500 per day, per count for counts 1 thru 9 which the Special Magistrate granted.**

30

**Case # 16-1306**

EO Investments, LLC

Moshe Ozana

218 Duval Street

Sec. 18-415 Restrictions in historic district - **Repeat Violation**

Officer Kenneth JW Waite

Hand Served: 9-19-2016

Initial Hearing: 10-19-2016

**Request dismissal**

**Count 1:** On 13 Sept 2016 while on an area canvass video recorded a male employee was off premises canvassing, handed a sample to a woman while she was walking past the store.

The Special Magistrate granted the request to dismiss this case.

31

**Case # 16-1451**

Far Beauty, LLC

Aviv Shmuel - Registered Agent

211 Duval Street A

Sec. 18-415 Restrictions in historic district

Officer Kenneth JW Waite

Certified Service: 10-21-2016 - Registered Agent

Initial Hearing: 11-16-2016

**Settlement Agreement**

**Count 1:** Off premise canvassing on Duval Street which is prohibited.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 were imposed along with a suspended fine of \$250 assessed from a previous case. The Respondent also agreed to a suspended fine of \$500 for 60 months.

32

**Case # 13-57**

KWSC, Inc.

DBA Adult Entertainment Club

Yuliya Andrews, President

Robert Goldman, P.A.

210 Duval Street

Sec. 18-415 Restrictions in the historic districts - **Repeat Violation**Sec. 18-441 Required - **Repeat Violation**

Officer Jim Young

Certified Service: 7-11-2016 - Robert Goldman, P.A.

Initial Hearing: 1-30-2013

**Irreparable Violation****Continued from August 31, 2016****Count 1:** Off premise canvassing on Duval Street which is prohibited.**Count 2:** Failure to obtain off premise canvassing license.

Bob Goldman attended this hearing as representative of KWSC, Inc.. Mr. Goldman is asking the motion to dismiss to be approved. Mr. Goldman states you cannot change the rules in the middle of a case. As stated before, Judge Koenig overruled the earlier decision of the Special Magistrate stating it was an obvious fundamental lack of due process as the ordinance was written. Mr. Goldman gave history of the previous hearing in which the Special Magistrate asked for 25 days to file a responsive brief which the city did not file. The city went back and amended the ordinance again. This was effective on Sept. 20, 2016. It does not state it is retroactive. You cannot cure a due process once it has happened, Mr. Goldman said. Mr. Goldman proceeded to speak of his client as being libel. Mr. Ramsingh objected at this point stating this is irrelevant. Special Magistrate sustained the objection. Mr. Goldman reiterated the ordinance was effective on passage, it did not have retroactive application; and in this country you cannot cure a due process violation after it has occurred. Ron Ramsingh stated that before any testimony was taken or any decision was made contrary or to benefit Mr. Goldman's clients, the ordinance was changed to reflect what we have always done which is solely provide legal counsel to Code Compliance staff. The city stands on four corners of our notice of suggestion of mootness. The Special Magistrate stated given the finding by Judge Koenig on appeal, he did not think he was left with any other choice but to grant the motion to dismiss. The operative term there is ongoing and until this ordinance was amended, there was an ongoing issue which Judge Koenig identified. This suggested there was an appearance of impropriety. The Special Magistrate granted the motion to dismiss.

33

**Case # 13-1012**

David & Marjorie A. Rodriguez  
1823 Venetia Street  
Sec. 66-87 Business tax receipt required  
Sec. 90-363 Certificate of occupancy required  
Officer Jim Young  
Certified Service: 6-18-2016  
Initial Hearing: 7-27-2016

**This case was rescheduled to November 16, 2016**

**Count 1:** This property is being rented without the benefit of a non-transient business tax receipt. **Count 2:** There is no certificate of occupancy for the subject property.

**Code Director Young gave testimony requesting a Finding with Violation with no costs or fees with a compliance date of November 21,2016 at 5pm which the Special Magistrate granted.**

34

**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

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

Officer Jim Young

Certified Service: 11-09-2016 - Registered Agent

Initial Hearing: 11-16-2016

**New Case**

**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.

Christy Spottswood attended this hearing as representative of the owner. Ms. Spottswood stated she discussed Mr. Ramsingh's suggestions with her client. They are asking for a Finding of Violation of count 1 and count 2. They will not take a Finding of Violation of the setback or tree abuse. There will be no fines or anything of the sort with continuance in 90 days. Ron Ramsingh stated everything is correct. We will agree to 60 days if exercising due diligence to come into compliance through no fault of their own. Costs but no fines will be asked for as long as they come into compliance. Ms. Spottswood stated they are trying to come into compliance. The Special Magistrate stated there will be admission to violations of counts 1 and 2, and no fines will be imposed as long as there is ongoing process. The Special Magistrate granted 60 days for compliance to make sure there is ongoing progress and the court reserves the right to impose costs.

Liens

35

**Case # 16-1033**

Tina Marie Godfrey  
Fogarty Avenue & 3rd Street  
Sec. 42-1 (c) Offenses under state law  
Hand Served: 9-1-2016

**This case was rescheduled to November 16, 2016**

The Special Magistrate granted the citation of \$20 costs and \$100 fine for a total of \$120. The Special Magistrate approved filing of the lien.

**Mitigations**

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**Case # 09-1501**

Wells Fargo Bank, N.A., Trustee  
908 Trinity Drive #4

Steve Greenfield attended this hearing as representative of the Wells Fargo Bank, N.A. Mr. Greenfield offered \$5,000 total payment. Mr. Greenfield agreed to pay within 30 days. Code Compliance Director Young did not object to their offer. The Special Magistrate granted the request for \$5,000.00 paid within 30 days. The original \$76,000 fine will be owed within 60 days if not paid in the allotted time.

**Adjournment**