



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final - Final

### Code Compliance Hearing

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Thursday, June 27, 2019

1:30 PM

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 # 19-290**

Danny's Remodeling, LLC

Daniel Lichtl

6000 Peninsular Avenue, Stock Island

Sec. 66-102 Dates Due and delinquent; penalties

Officer Bonnita Badgett

Certified Mail: 5-28-2019

Initial Hearing: 6-27-2019

**In compliance 20 June 2019; Request dismissal**

**Count 1:** Subject business owner has not renewed this business tax receipt which expired 20 September 2018.

**The Special Magistrate granted the request to dismiss this case as compliance was achieved on 20 June 2019.**

2

**Case # 19-304**

Keys Trees

David Cunningham

1365 Marlin Drive, Marathon

Sec. 66-102 Dates due and delinquent; penalties

Officer Bonnita Badgett

Certified Mail: 5-28-2019

Initial Hearing: 6-27-2019

**In compliance 13 June 2019; Request dismissal**

**Count 1:** Subject business owner has not renewed his business tax receipt which expired 30 September 2018.

The Special Magistrate granted the request to dismiss this case as compliance was achieved on 13 June 2019.

3

**Case # 19-565**

B&B Cleaning Service

Maria Barros

8120 14th Terrace, Miami

Sec. 66-102 Dates due and delinquent; penalties

Officer Bonnita Badgett

Certified Mail:

Initial Hearing: 6-27-2019

**Request continuance for good service**

**Count 1:** Subject business owner has not renewed their business tax receipt which expired 30 September 2018.

The Special Magistrate granted the request to continue this case for good service to 31 July 2019.

4

**Case # 19-680**

Wendell A. Wall

1504 18th Terrace

Sec. 66-102 Dates due and delinquent; penalties

Officer Bonnita Badgett

Certified Mail: 5-28-2019

Initial Hearing: 6-27-2019

**In compliance 24 June 2019; Request dismissal**

**Count 1:** Subject business owner has not renewed their business tax receipt which expired 30 September 2018.

The Special Magistrate granted the request to dismiss this case as compliance was achieved on 24 June 2019.

5

**Case # 17-1038**

Carol Eisenman

3632 Duck Avenue

Sec. 90-363 Certificate of Occupancy - Required

Sec. 58-61 Determination and levy of charge

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

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

Officer Sophia Doctoche

Certified Mail: 5-1-2019

Initial Hearing: 6-27-2019

**In compliance 17 June 2019; Request dismissal**

**Count 1:** Failure to apply for and obtain a Certificate of Occupancy for the additional residential unit on the property. **Count 2:** Failure to pay back utility fees owed in the amount of \$5,756.32. **Count 3:** Failure to update the business tax receipt to reflect the new and additional unit for rent. **Count 4:** Failure to remove the wall and add steps to the area or remove the kitchen in the denied unit by a licensed contractor.

The Special Magistrate granted the request to dismiss this case as compliance was achieved on 17 June 2019.

6

**Case # 18-245**

Michael Baker

Lori Wilder

3325 Eagle Avenue

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

Officer Sophia Doctoche

Posted: 4-4-2019

Initial Hearing: 4-24-2019

**In compliance 23 May 2019; Request dismissal**

**Count 1:** Failure to follow through with permit #18-1001 to change a wooden fence to a PVC fence since 15 March 2018.

**The Special Magistrate granted the request to dismiss this case as compliance was achieved on 23 May 2019.**

7

**Case # 18-2089**

Duval and Caroline, LLC

Joseph Walsh

429 Caroline Street

Sec. 66-109 Schedule of taxes - **In compliance 26 June 2019;****Request dismissal**

Sec. 14-40 Permits in historic districts

Officer Sophia Doctoche

Posted: 4-30-2019

Initial Hearing: 4-24-2019

**Continued from 29 May 2019**

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

Joseph Walsh attended this hearing. Ron Ramsingh attended on behalf of the City. Officer Doctoche gave testimony that she received a complaint about the impact fees for seats in the establishment and he has come into compliance with this count. The Special Magistrate granted the request to dismiss Count 1. Count 2 is for renovations in a historic building and the permits are still under review; and the work has been done. Mr. Ramsingh stated that City will be asking for a Finding of Sec. 14-40 and set a compliance date. Mr. Ramsingh stated that he will be submitting after-the-fact HARC review permits as the issue of HARC having jurisdiction of the inside of a property that is listed on the national register and this has been worked out. Mr. Walsh stated that this seems fair as he was unable to locate the code section that allowed HARC review of the interior of a structure and Mr. Ramsingh pointed it out that it is in the HARC guidelines. He will be in contact with HARC to take care of this matter. He asked for 30 days. The Special Magistrate stated there is an admission of the violation with \$250 administration fee and \$250 per day per violation with 60 days for compliance. Mr. Walsh said 60 days was okay but if they need to go to the HARC commission is will be inadequate. The Special Magistrate said that as long as he is moving forward if more time is needed we can work on that.

8

**Case # 19-32**

TR Enterprises, Inc.  
Timothy J. Ryan - RA  
700 Front Street  
Sec. 66-109 Schedule of taxes  
Officer Sophia Doctoche  
Certified Mail: 6-4-2019  
Initial Hearing: 6-27-2019

**In compliance 26 June 2019; Request dismissal**

**Count 1:** Failure to apply for a revised seating authorization for Boat House and Commodore Restaurants.

**The Special Magistrate granted the request to dismiss this case as compliance was achieved on 26 June 2019.**

9

**Case # 19-152**

BB's Barbershop  
Avery V Gardner - Violator  
Michael Drago - Violator  
2215 Flagler Avenue  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Sophia Doctoche  
Certified Mail: 4-8-2019 - Avery V Gardner  
Certified Mail: 4-8-2019 - Michael Drago  
Initial Hearing: 5-29-2019

**Continued from 29 May 2019 for compliance; Avery V Gardner in compliance 6 Jun 2019**

**Count 1:** Operating as a barber without the benefit of a business tax receipt.

**The respondents did not appear. Officer Doctoche gave testimony that Avery V Gardner came into compliance on 6 June 2019. Michael Drago's state license is still null/void; and he has not come into compliance with the city. The Special Magistrate dismissed the fine for Avery V Gardner. The Special Magistrate stated Mr. Drago has failed, refused or neglected to attend despite proper notice. The Special Magistrate imposed the fine of \$250 for Mr. Drago as of 27 June 2019.**

10

**Case # 19-252**

531 Whitehead St, LLC  
Assaf Azoulay - RA  
531 Whitehead Street  
Sec. 14-40 Permits in historic districts  
Sec. 114-103 Prohibited signs  
Officer Sophia Doctoche  
Certified Mail: 4-12-2019  
Initial Hearing: 5-29-2019

**In compliance 31 May 2019; Request dismissal**

**Count 1:** Signage and lattice that has not been approved by HARC.

**Count 2:** Failure to remove prohibited signage.

The Special Magistrate granted the request to dismiss this case as compliance was achieved on 31 May 2019.

11

**Case # 19-596**

1101-03 Petronia Street, LLC  
Heather Whitehead  
1101 Petronia Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-40 Permits in historic districts  
Officer Sophia Doctoche  
Certified Mail: 4-27-2019  
Initial Hearing: 6-27-2019

**In compliance 1 May 2019; Request dismissal**

**Count 1:** Stop work order placed for failure to obtain permits for repair of hand rail. **Count 2:** Failure to obtain a Certificate of Appropriateness from the HARC Department.

The Special Magistrate granted the request to dismiss this case as compliance was achieved on 1 May 2019.

12

**Case # 19-732**

Robert Phillip Barnett  
831 Thomas Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Sophia Doctoche  
Certified Mail: 5-7-2019  
Initial Hearing: 6-27-2019

**In compliance 6 May 2019; Request dismissal**

**Count 1:** Failure to renew non-transient business tax receipt which expired 30 September 2018.

**The Special Magistrate granted the request to dismiss this case as compliance was achieved on 6 May 2019.**

13

**Case # 19-733**

Ellen G. Cantrell  
1317 Reynolds Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Sophia Doctoche  
Certified Mail:  
Initial Hearing: 6-27-2009

**In compliance 8 May 2019; Request dismissal**

**Count 1:** Failure to renew non-transient business tax receipt which expired 30 September 2018.

**The Special Magistrate granted the request to dismiss this case as compliance was achieved on 8 May 2019.**



14

**Case # 19-49**

Diane M. Wood

1202 Von Phister Street

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

Sec. 108-677 Parking and storage of certain vehicles

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

Sec. 14-40 Permits in historic districts

Sec. 14-40 Permits in historic districts

Officer Lindsey Dunlap

Certified Mail: 3-28-2019

Initial Hearing: 4-24-2019

**In compliance 19 June 2019; Request dismissal**

**Count 1:** Failure to remove accumulated debris and yard waste from the subject location. **Count 2:** A dozen vehicles with expired or no tags being stored on the subject location. **Count 3:** Stop work order was placed for a shed being built without the benefit of a permit. **Count 4:** Removal of siding in the rear side of the property without the benefit of a permit. **Count 5:** Failure to obtain a certificate of appropriateness for a shed being built. **Count 6:** Failure to obtain a certificate of appropriateness for the removal and replacement of siding.

**The Special Magistrate granted the request to dismiss this case as compliance was achieved on 19 June 2019.**

15

**Case # 19-307**

Bone Island Graphics LLC

Barbara R. Feinberg - RA

1120 White Street

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

Officer Lindsey Dunlap

Certified Mail: 4-25-2019

Initial Hearing: 6-27-2019

**In compliance 30 April 2019; Request dismissal**

**Count 1:** Failure to pay fire inspection fee. The fire inspection was performed on 4/4/2018.

The Special Magistrate granted the request to dismiss this case as compliance was achieved on 30 April 2019.

16

**Case # 19-359**

L T Builders LLC

Layne W. Thrasher - RA

1700 North Roosevelt Boulevard 1

Sec. 66-102 Dates due and delinquent; penalties

Officer Lindsey Dunlap

Certified Mail: 4-23-2019

Initial Hearing: 6-27-2019

**In compliance 26 June 2019; Request dismissal**

**Count 1:** Failure to renew business tax receipt which expired 30 September 2018.

The Special Magistrate granted the request to dismiss this case as compliance was achieved on 26 June 2019.

17

**Case # 19-561**

China's Cleaning Service  
Roxanna Rodriguez  
1200 First Street N7 - Mobile Service  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Lindsey Dunlap  
Certified Mail:  
Initial Hearing: 6-27-2019

**Request continuance for good service**

**Count 1:** Subject business owner has not renewed their business tax receipt which expired 30 September 2018.

**The Special Magistrate granted the request to continue this case for good service to 31 July 2019.**

18

**Case # 19-572**

Yuniesky Enterprise LLC  
Yosbani Fundora  
410 Avenue A, Big Coppitt Key  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Lindsey Dunlap  
Certified Mail: 5-30-2019  
Initial Hearing: 6-27-2019

**New Case**

**Count 1:** Subject business owner has not renewed their business tax receipt which expired 30 September 2018.

**The respondent did not attend. The Special Magistrate stated there was good service on 30 May 2019. Officer Dunlap gave testimony that they have not paid their business tax receipt. The City requested \$250 court cost and \$250 fine. The Special Magistrate stated that the respondent failed, refused or neglected to attend and as such there will be a \$250 administrative cost assessed with a \$250 fine.**

19

**Case # 19-296**

Braden B Plant

620 Thomas Street 279

Sec. 66-103 Transfer of license - Counts 1 &amp; 2

Sec. 66-102 Dates due and delinquent; penalties - Counts 3 &amp; 4

Officer Beau Langford

Certified Mail: 4-27-2019

Initial Hearing: 5-29-2019

**In compliance 21 June 2019; Request dismissal**

**Count 1:** Business tax receipt #19766 needs to be transferred from Tri-Star Properties LLC to Braden B Plant. **Count 2:** Business tax receipt #16316 needs to be transferred from Tri-Star Properties LLC to Braden B Plant. **Count 3:** Business tax receipt #19766 has not renewed their license which expired 30 September 2018. **Count 4:** Business tax receipt #16316 has not renewed their license which expired 30 September 2018.

The Special Magistrate granted the request to dismiss this case as compliance was achieved on 21 June 2019.

20

**Case # 19-722**

DGK Key West LLC

1320 Seminary Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Paul A. Navarro

Certified Mail: 5-24-2019

Initial Hearing: 6-27-2019

**In compliance 21 May 2019; Request dismissal**

**Count 1:** Subject business has not renewed their license which expired 30 September 2018.

The Special Magistrate granted the request to dismiss this case as compliance was achieved on 21 May 2019.

21

**Case # 19-810**

Yeliney Portal De Armas

3110 Flagler Avenue

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

Officer Paul Navarro

Certified Mail: 6-4-2019

Initial Hearing: 6-27-2019

**In compliance 25 June 2019; Request dismissal****Count 1:** Yeliney Portal De Armas was found performing as a nail technician without a business tax receipt.

The Special Magistrate granted the request to dismiss this case as compliance was achieved on 25 June 2019.

22

**Case # 19-640**

Robert Mathews

27853 Coral Shores Road, Summerland Key

Sec. 66-102 Dates due and delinquent; penalties

Officer Dorian Patton

Certified Mail:

Initial Hearing: 6-27-2019

**In compliance 22 May 2019; Request dismissal****Count 1:** Subject business owner has not renewed their license which expired 30 September 2018.

The Special Magistrate granted the request to dismiss this case as compliance was achieved on 22 May 2019.

23

**Case # 18-1784**

Lindholm Construction, Inc  
Richard Lindholm - Registered Agent  
Native Builders, Inc  
Carl Denny - Registered Agent  
Nicholas Obea LLC  
Clint Gordon - Registered Agent  
1610 Dennis Street  
Sec. 14-262 Request for inspection  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Officer Rebecca Porter  
Certified Mail: 5-30-2019 - Lindholm Construction, Inc.  
Certified Mail: 5-30-2019 - Native Builders, Inc.  
Certified Mail:  
Initial Hearing: 6-27-2019

**Continuance granted to 28 August 2019**

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

**The Special Magistrate granted the request to continue this case to 28 August 2019.**

24

**Case # 17-1146**

Jordan James &amp; Sara Key

1309 Newton Street

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions - **In compliance 9 Nov 2018; Request dismissal**Sec. 14-40 Permits in historic districts - **In compliance 9 Nov 2018;****Request dismissal**

Sec. 14-262 Request for inspection

Director Jim Young

Certified Service: 3-26-2018

Initial Hearing: 4-25-2018

**In compliance 17 June 2019; Request dismissal**

**Count 1:** For failure to obtain a mechanical permit to install the A/C condenser on the roof. **Count 2:** For failure to obtain HARC approval for installation of the A/C condenser on the roof. **Count 3:** For failure to obtain an inspection for the A/C condenser.

**The Special Magistrate granted the request to dismiss this case as compliance was achieved on 17 June 2019.**

25

**Case # 18-241**

Theresa Cioffi

Wilmington Trust Company

CT Corporation System - Registered Agent

3222 Riviera Drive

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

Sec. 122-238 Dimensional requirements

Sec. 26-32 Nuisance illustrated - **Dismissed**~~Sec. 26-126 Clearing of property of debris and noxious material required~~  
- **Dismissed**

Director Jim Young

Certified Service: 6-15-2018 - Registered Agent

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

Initial Hearing: 5-30-2018

**Continuance granted to 28 Aug 2019**

**Count 1:** Observed the roof built in the setbacks and a detached dwelling that the city does not recognize which did not have the required permits and inspections. **Count 2:** The roof is located in the rear side of the subject property in the setbacks. **Count 3:** ~~Observed the pool with stagnant water that is a breeding ground or feeding area for mosquitoes.~~ - Dismissed. **Count 4:** ~~Debris located on the driveway of this property which causes a nuisance or other unsightly or unsanitary condition.~~ - Dismissed.

The Special Magistrate granted the request to continue this case to 28 August 2019.



26

**Case # 18-536**

Brugman Holdings LLC - Owner

Thomas J Sireci, Jr - Registered Agent

10 Hilton Haven Drive C

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

Director Jim Young

Certified Service: 5-30-2018 - Owner

Certified Service: 5-23-2018 - Registered Agent

Initial Hearing: 6-27-2018

**Continued from 29 May 2019 for compliance****Count 1:** Failure to obtain an after-the-fact building permit for interior framing of shed and dock behind shed.

Edward Brugman attended the hearing. Director Young gave testimony that they did get a permit from the Army Corp. of Engineering and did submit an application to the City for an after-the-fact permit. There was some issued that needed to be cleared up before the permit can be issued and it should be issued any day. Mr. Brugman stated that he did and it should be a few days to get issued. The Special Magistrate asked if Mr. Brugman was asking for 30 days and he stated yes. The City had no objection. The Special Magistrate stated without objection this will be continued to 31 July 2019.

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**Case # 18-1211**

Island-West Investments Corp.

Richard Estevez - Owner

Hugh J Morgan - Registered Agent

1213 14th Street 41

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

Director Jim Young

Certified Mail: 12-12-2018 - Hugh Morgan

Certified Mail: 12-18-2018 - Richard Estevez

Initial Hearing: 1-30-2019

**Continued from 29 May 2019 for compliance**

**Count 1:** Failure to obtain a building permit for an addition built. A demolition permit had been applied for on 6 Nov 2018 and more details are needed along with the property card.

Bob Goldman represented to mobile home owner. Mr. Sireci represented the mobile park owner. Director Young gave testimony that the homeowner is working with Meridian Engineering to try to keep what they have there but there has not been an application submitted as of yet. Mr. Goldman asked for a continuance and stated he spoke with the engineer who said he working on the plans. Director Young ask that the fines be started and that they can mitigate the fines once they are in compliance. The Special Magistrate asked what a realistic time frame for this to be done and over; and Mr. Goldman stated he did not know but asked for 30 days to have an answer. The Special Magistrate stated that over the City's objection he will reset the compliance date for 31 July 2019 and this will be the last continuance unless there is good cause shown.

28

**Case # 18-2029**

218 Duval Street Corp.

Elizabeth Johnson - Business Registered Agent

Famlo Development Corporation

Michael Halpern - Building Registered Agent (Amended Notice only)

Jennifer Stefanacci Doll - Sec. 26-32 only (Original Notice)

218 Duval Street

~~Sec. 26-32 Nuisances illustrated (Original Notice only)~~ -- **Dismissed**Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions (Amended Notice) - **In compliance 24 Jun 2019;****Request dismissal**Sec. 14-40 Permits in historic districts (Amended Notice) - **In****compliance 24 Jun 2019; Request dismissal**

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

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

Director Jim Young

Certified Mail: 12-7-2018 (Original Notice) - Jennifer Stefanacci Doll

Certified Mail: 1-4-2019 (Amended Notice) - Michael Halpern

Posted: 1-17-2019 (Amended Notice) - Elizabeth Johnson

Initial Hearing: 1-30-2019

**Continuance granted to 31 July 2019 for compliance**

**Count 1 (Original Notice):** ~~The use of a foam machine spreading foam on the City's right of way which was causing a hazard to pedestrians and adjacent properties.~~ **Dismissed.** **Count 1 (Amended Notice):** Two

signs installed without the benefit of a building permit. **Count 2****(Amended Notice):** Signs installed without the benefit of a certificate of appropriateness. **Count 3 (Amended Notice):** Two flood lightsinstalled without the benefit of an electrical permit. **Count 4 (Amended****Notice):** Electrical work performed without an inspection.

The Special Magistrate granted the request to continue this case to 31 July 2019. Director Young gave testimony that Counts 1 & 2 of the amended notice are in compliance as of 24 June 2019. The Special Magistrate granted the request to dismiss Counts 1 & 2.

29

**Case # 18-2033**

SK II, Inc.

Robert A. Spottswood - RA

2700 North Roosevelt Boulevard

Sec. 122-63 Review; enforcement

Director Jim Young

Certified Mail:

Initial Hearing: 3-27-2019

**Continued from 29 May 2019 for compliance**

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

**Jason Wolf represented SK II, Inc. Director Young gave testimony that the masonry wall is completed and there are only some finishing touches that need to be done as well as inspections have been done and they passed. Mr. Young and Mr. Wolf agreed that this should be done within 10 days. The Special Magistrate asked if they wanted a 30 day continuance. The Special Magistrate granted the reset of the compliance date to 31 July 2019.**

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**Case # 19-253**

Poinciana Park Partners, LLP - Mobile Home Park Owner

Erwin &amp; Didier M. Mayer

Evelyne Cajuste &amp; Pierre Louis - Mobile Home Owner

1300 15th Court Lot 45

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

Sec. 14-262 Request for inspection

Director Jim Young

Posted: 4-26-2019 - Mobile Home Owner

Posted: 4-26-2019 - Mobile Home Park

Initial Hearing: 4-24-2019

**In compliance 19 June 2019; Request dismissal**

**Count 1:** Failure to obtain building permits for the structure built in the rear side of the mobile home. **Count 2:** Failure to obtain an electrical permit for the enclosed structure. **Count 3:** Failure to obtain the required electrical inspection.

The Special Magistrate granted the request to dismiss this case as they came into compliance 19 June 2019.

**Liens**

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**Case # 19-917**

Henry David Hawkins

651 William Street, Apartment 4

Sec. 42-1 Offenses under state law - Possession of Cannabis

Certified Mail:

Initial Hearing: 6-27-2019

**In compliance 25 June 2019; Request dismissal**

The Special Magistrate granted the request to dismiss this case as compliance was achieved on 25 June 2019.

**HARC Appeals**

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**SMA 19-01**

Tannex Development, L.C.  
Barton W. Smith, Esq.  
Mallory Square  
H17-03-0008

Bart Smith represented Tannex Development, L.C. Van Fischer represented Tropical Soup. Ron Ramsingh represented the City of Key West. The Special Magistrate stated he read all the documentation that was given to him and at this time he denied the appeal. The issue for this case was did HARC do what it was supposed to do in issuing the Certificate of Appropriateness and they did. HARC did not violate any of the mandates placed upon them. Mr. Smith asked for clarification and the Special Magistrate stated the this is where the appeal has been taken and he must go with everything that has already happened so the issue is whether the Certificate of Appropriateness was issued as required and it was. HARC did not violate any of the City ordinances or any mandates that were placed upon them. The Special Magistrate stated that all the material from the case will be protected. Mr. Ramsingh stated that the appeal for the Certificate of Appropriateness was not appealed in the proper vehicle in their opinion. The Special Magistrate stated that he was only dealing with whether the mandate was properly issued. Mr. Fischer stated they felt the granting of the Certificate of Appropriateness was done through the appeal process. The issuing of the Certificate of Appropriateness was a final decision. Mr. Fischer stated the mere issuance of the Certificate of Appropriateness is an administrative process. The Special Magistrate stated that the mandate of issuing the Certificate of Appropriateness is an administrative process, but they were required to do it and they did it. Mr. Smith stated that one of the things brought up is the due process issue where all should be notified as there are parties that can be affected.

**Adjournment**