



# 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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Wednesday, December 19, 2018

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 # 18-280**

Robert Janicki

1205 11th Street

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

Sec. 14-262 Request for inspection

FBC P2503.1 Inspections

FBC 1612.4 Flood Hazard Construction

Sec. 18-117 Acts declared unlawful

Officer Bonnita Badgett

Certified Service: 5-18-2018

Initial Hearing: 5-30-2018

**Continued from 28 Nov 2018 for compliance; City request 60-day  
continuance**

**Count 1:** Building, electrical and plumbing work being done without the benefit of a permits. **Count 2:** Failure to request electrical inspection for work being done without the benefit of a permit. **Count 3:** Failure to request plumbing inspections for work being done without the benefit of a permit. **Count 4:**The new rear room in the main house, the tiki hut and shed shall comply to the ordinance for structures located in the flood hazard areas. **Count 5:** Cease using an unlicensed contractor.

Lori Thompson of Trepanier & Associates appeared for the respondent.

Director Young stated the City is requesting a 60-day continuance due to some more information that the Planning Department has to research. The Special Magistrate asked if Ms. Thompson has any objection to the City's request. Ms. Thompson stated she did not. The Special Magistrate granted the request for continuance to 27 Feb 2019.

2

**Case # 18-996**

Patricia Eables  
Joseph Crehan  
313 Catherine Street 3  
Sec. 74-206 Owner Responsibility  
Officer Bonnita Badgett  
Certified Mail: 10-30-2018  
Initial Hearing: 11-25-2018

**In compliance 18 Dec 2085; Request dismissal**

**Count 1:** Past due sewer, solid waste and storm water bills.

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

3

**Case # 18-1736**

Leo R. Rivas Jr  
Eugenia R. Rivas  
3250 Duck Avenue  
Sec. 58-61 Determination and levy of charge  
Officer Bonnita Badgett  
Certified Mail: 12-1-2018  
Initial Hearing: 11-28-2018

**In compliance 17 Dec 2018; Request dismissal**

**Count 1:** Past due sewer, solid waste and storm water bill.

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

4

**Case # 18-357**

Bob Sunderman  
922 Catherine Street  
Sec. 110-292 Failure to achieve a compliance agreement  
Officer Wherden Charles  
Certified Service:  
Initial Hearing: 4-25-2018

**In compliance 21 Nov 2018; City request to vacate fines**

**Count 1:** For failure to come into compliance with the signed settlement agreement for violations Sec. 110-256 and 110-321. The payment of \$500 and the planting of one coconut palm 8' tall has not been met.

**The Special Magistrate stated we will find him in compliance and vacate the fines. He came into compliance on 21 Nov 2018.**

5

**Case # 18-1009**

Edward J Mccallum III  
Sharon S Mccallum  
2617 Staples Avenue  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-262 Request for inspection  
Officer Sophia Doctoche  
Posted: 10-29-2018  
Initial Hearing: 11-28-2018

**Continuance granted to 30 Jan 2019**

**Count 1:** Replacement of a roof without the benefit of building permit.

**Count 2:** Failure to obtain a final inspection.

**The Special Magistrate granted the request to continue this case to 30 Jan 2019**

6

**Case # 18-1963**

Mark Morales - **Repeat for Counts 1 & 2**

Julie Moore

1600 Josephine Street

Sec. 18-150 Certificate of competency required

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

Officer Sophia Doctoche

Certified Mail:

Initial Hearing: 12-19-2018

**Continuance granted to 30 Jan 2019**

**Count 1:** Doing roof work without the benefit of a certificate of competency. **Count 2:** Failure to obtain a business tax receipt from the City of Key West.

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

7

**Case # 18-1969**

Gary the Carpenter

Gary Burchfield - Registered Agent

1600 Josephine Street

Sec. 18-117 Acts declared unlawful

Officer Sophia Doctoche

Certified Mail: 11-16-2018

Initial Hearing: 12-19-2018

**Continuance granted to 30 Jan 2019**

**Count 1:** Obtaining permits for an unlicensed person to do roofing work.

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

8

**Case # 18-1972**

Mark Morales - **Repeat for Counts 1 & 2**

Julie Moore

824 Center Street

Sec. 18-150 Certificate of competency required

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

Officer Sophia Doctoche

Certified Mail:

Initial Hearing: 12-19-2018

**Continuance granted to 30 Jan 2019**

**Count 1:** Doing roof work without the benefit of a certificate of competency. **Count 2:** Failure to obtain a business tax receipt from the City of Key West.

**The Special Magistrate granted the request to continue this case to 30 Jan 2019**

9

**Case # 18-1974**

Gary the Carpenter

Gary Burchfield

516 Olivia Street

Sec. 18-117 Acts declared unlawful

Officer Sophia Doctoche

Certified Mail: 11-16-2018

Initial Hearing: 12-19-2018

**Continuance granted to 30 Jan 2019**

**Count 1:** Obtaining permits for an unlicensed person to do roofing work.

**The Special Magistrate granted the request to continue this case to 30 Jan 2019**

10

**Case # 18-1979**

Julie Moore

Mark Morales - **Repeat for Counts 1 & 2**

516 Olivia Street

Sec. 18-150 - Certificate of competency required

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

Officer Sophia Doctoche

Certified Mail:

Initial Hearing: 12-19-2018

**Continuance granted to 30 Jan 2019**

**Count 1:** Doing roof work without the benefit of a certificate of competency. **Count 2:** Failure to obtain a business tax receipt from the City of Key West.

**The Special Magistrate granted the request to continue this case to 30 Jan 2019**

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**Case # 18-1980**

Landscape Solutions of FL Keys, LLC  
Hanna Rabenseifner - Registered Agent  
615 Angela Street  
Sec. 18-150 Certificate of competency required  
Officer Sophia Doctoche  
Certified Mail: 11-16-2018  
Initial Hearing: 12-19-2018

**New Case**

**Count 1:** Building a deck without the benefit of a certificate of competency.

Peter Otala attended for the respondent. Officer Sophia Doctoche attended for the City and gave testimony of the violation. Landscape Solutions is only licensed to do landscaping but they were doing deck work. They were cited as they are working beyond the scope of their license. A Stop Work Order was placed. The Special Magistrate asked if they are doing anything to get a permit. Officer Doctoche stated that the homeowner was cited separately and he has applied for a permit with another contractor that can do the work. It is in Plans Review now. The Special Magistrate asked Mr. Otala if what Officer Doctoche said was true. Mr. Otala stated yes. The Special Magistrate asked if there was anything Mr. Otala wanted to say in his defense. Mr. Otala stated no that he did it and he shouldn't be doing it. The Special Magistrate asked the City's pleasure. The city requests a finding of the violation with \$250 administrative cost and \$250 fine. The Special Magistrate asked Mr. Otala if he understands what the city is asking for and he stated yes. The Special Magistrate stated that he finds there is a violation by Mr. Otala's own admission with a \$250 fine and \$250 administrative cost.



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**Case # 18-1994**

Gold Empire USA, LLC

Nir Chen

407 Front Street C

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

Sec. 18-705 Requirements of permit holder - **Repeat**

Sec. 18-704 Requirements for obtaining permit

Sec. 18-702 Permit required

Officer Sophia Doctoche

Certified Mail: 12-11-2018

Initial Hearing: 12-19-2018

**New Case with Count 2 Repeat Violation**

**Count 1:** Operating without the required business tax receipt. **Count 2:** Several items displayed without the required posting of the price. This is a repeat count from Case# 17-1598. - **Repeat** **Count 3:** Failure to display the business name/address that must reflect the licenses application applied for as Gold Empire USA, LLC. **Count 4:** Failure to obtain the permit from the City of Key West before engaging in sales of cosmetics.

Respondent did not appear. Officer Sophia Doctoche gave testimony that they failed three cosmetic inspections passing on the 4th inspection with Licensing and Code. The respondent has previously been cited for not having merchandise properly priced and had a Settlement Agreement with the City for that case and that is why he is a repeat for Sec. 18-705. He had also been cited after that for not pricing. The Special Magistrate stated there was proper notice and no rebuttal to this. There was a settlement agreement from case# 17-1598 which was entered into Feb. 1, 2018 and then Aug. 9, 2018. The City would like a finding of the violations along with the \$500 suspended fine, \$250 per count along with \$250 administrative cost for a total of \$2,000.00. The Special Magistrate stated he finds there is a violation at the City's request with no rebuttal with a suspended of \$500 will be imposed along with \$250 for each one of the three violations with \$500 for count 2 as this is a repeat with \$250 administrative cost for a total of \$2000.

13

**Case # 18-2014**

Mark Morales  
1118 Petronia Street  
Sec. 18-150 Certificate of competency required - **Repeat**  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business - **Repeat**  
Officer Sophia Doctoche  
Certified Mail:  
Initial Hearing: 12-19-2018

**Continuance granted to 30 Jan 2019**

**Count 1:** Holding himself out as a contractor without a current certificate of competency. - **Repeat.** **Count 2:** Failure to obtain a business tax receipt with the City of Key West. - **Repeat.**

**The Special Magistrate granted the request to continue this case to 30 Jan 2019**

14

**Case # 18-2016**

Mark Morales  
1120 Petronia Street  
Sec. 18-150 Certificate of competency required - **Repeat**  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business. - **Repeat**  
Officer Sophia Doctoche  
Certified Mail:  
Initial Hearing: 12-19-2018

**Continuance granted to 30 Jan 2019**

**Count 1:** Holding himself out as a contractor without the benefit of a certificate of competency. - **Repeat.** **Count 2:** Failure to obtain a business tax receipt with the City of Key West. - **Repeat.**

**The Special Magistrate granted the request to continue this case to 30 Jan 2019**

15

**Case # 18-295**

Renee R Spencer

Fogarty Builders

Christopher Fogarty

1405 12th Street

~~Sec. 14-261 Failure to obtain~~ - **Dismissed**~~Sec. 14-325 Permits required~~ - **Dismissed**~~Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions~~ - **Dismissed**~~Sec. 14-327 Mechanical inspection~~ - **Dismissed**

FBC 1612.4 Flood hazard construction

~~Sec. 14-262 Request for inspection~~ - **Dismissed**

Officer Leonardo Hernandez

Posted: 10-29-2018

Initial Hearing: 10-31-2018

**In compliance 13 Dec 2018; Request dismissal**

**Count 1:** ~~Failure to obtain an electrical permit.~~ - **Dismissed** **Count 2:** ~~Failure to obtain a mechanical permit.~~ - **Dismissed** **Count 3:** ~~Failure to obtain required building permits.~~ - **Dismissed** **Count 4:** ~~Failure to obtain mechanical inspections for permit #18-1724.~~ - **Dismissed** **Count 5:** Failure to obtain required inspection for Florida Building Code FBC 16512.4. **Count 6:** ~~Failure to obtain required final electrical inspection.~~ - **Dismissed**

The Special Magistrate granted the request to dismiss this case.

16

**Cases # 18-1113 & 18-30**

Federal National Mortgage Association

2811 Staples Avenue

~~Sec. 90-363 Certificate of occupancy Required~~ **Dismissed**

Sec. 58-61 Determination and levy of charge

FBC P2503.1 Inspections

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptionsSec. 66-87 Business tax receipt required for all holding themselves out to  
be engaged in business

Officer Leonardo Hernandez

Certified Service: 8-6-2018

Initial Hearing: 8-29-2018

**Continuance granted to 30 Jan 2019 for compliance**~~**Count 1:** For failure to obtain a certificate of occupancy for second unit. -~~**Dismissed Count 2:** For failure to obtain utility accounts for secondunit. **Count 3:** For failure to obtain inspections for plumbing work.**Count 4:** For failure to obtain building permits for the kitchen, storage  
room, wall siding and ceiling work that was done. **Count 5:** For failure

to obtain required business tax receipt to rent non-transiently.

**The Special Magistrate granted the request to continue this case to 30 Jan 2019**

17

**Case # 18-1674**

Tb36-Tb38 LLC

Gregory K. Semmel

Mario G. Mendoza III, P.A. - Registered Agent

1075 Duval Street Unit R15-R16

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions - **In compliance 2 Nov 2018; Request dismissal**

FBC P2503.1 Inspection Required

Officer Leonardo Hernandez

Certified Mail: 11-01-2018 - Tb36-Tb38 LLC

Certified Mail: 10-22-2018 - Mario G. Mandoza III

Initial Hearing: 11-28-2018

**In compliance 28 Nov 2018; Request dismissal****Count 1:** Interior renovations, demolition and drywall work being done  
without the benefit of building permits. **Count 2:** Plumbing inspection  
required for the after-the-fact plumbing permit obtained 10.16.2018.**The Special Magistrate granted the request to dismiss this case.**

18

**Case # 18-1857**

Island-West Investment Corp  
Richard Charles Showers  
1213 14th Street Lot 74  
Sec. 66-87 Business tax receipt required or all holding themselves out to be engaged in business  
Officer Leonardo Hernandez  
Certified Mail:  
Initial Hearing: 12-19-2018

**In compliance 21 Nov 2018; Request dismissal**

**Count 1:** Failure to obtain a business tax receipt for renting his trailer.

The Special Magistrate granted the request to dismiss this case.

19

**Case # 17-710**

AIRBNB, Inc.  
Lawyers Incorporating Services 2710  
3333 Duck Avenue J204  
Sec. 122-1371 D (9) Transient living accommodations in residential dwellings; regulations - Counts 1 thru 7  
Officer Beau Langford  
Certified Service: 5-16-2017  
Initial Hearing: 7-26-2017

**Continuance granted to 30 Jan 2019**

**Counts 1 - 7:** During a routine investigation of the online website [www.airbnb.com](http://www.airbnb.com), the subject property was held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 1 June 2017 through 8 June 2017.

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

20

**Case # 17-724**

AIRBNB, Inc.

Lawyers Incorporating Services 2710

620 Thomas Street 165

Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations. D (9) - Counts 1 thru 7

Officer Beau Langford

Certified Service: 5-16-2017

Initial Hearing: 7-26-2017

**Continuance granted to 30 Jan 2019**

**Counts 1 - 7:** During routine investigation of the online website [www.airbnb.com](http://www.airbnb.com), the subject property held out for short term rental without benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 11 June 2017 through 18 June 2017.

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

21

**Case # 17-745**

AIRBNB, Inc.

Lawyers Incorporating Services 2710

714 Thomas Street

Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations. D (9) - Counts 1 thru 7

Officer Beau Langford

Certified Service: 5-22-2017

Initial Hearing: 7-26-2017

**Continuance granted to 30 Jan 2019**

**Counts 1-7:** During a routine investigation of the online website [www.airbnb.com](http://www.airbnb.com), the subject property held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 1 July 2017 through 8 July 2017 for a total of \$1,638.00.

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

22

**Case # 17-746**

AIRBNB, Inc. - Registered Agent

Brian Chesky - CP

Lawyers Incorporating Services 2710

1207 Florida Street

Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations (d) (9) - Counts 1 thru 4Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations (d) (9) - Count 5

Officer Beau Langford

Certified Service: 5-22-2017

Certified Service: 1-5-2018 - Amended Notice of Hearing

Initial Hearing: 7-26-2017

**Continuance granted to 30 Jan 2019**

**AIRBNB, Inc.: Counts 1-4:** During a routine investigation of the online website [www.airbnb.com](http://www.airbnb.com), the subject property held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 4 nights for the dates of 1 July 2017 through 5 July 2017 for a total of \$551.00. **Count 5:** For unlawful holding out or advertising of a transient rental by an owner, tenant, broker, realtor, agent or other representative of the owner if the property is not permitted.

**The Special Magistrate granted the request to continue this case to 30 Jan 2019**

23

**Case # 17-751**

AIRBNB, Inc.

Lawyers Incorporating Services 2710

3312 Northside Drive 106

Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations. D (9) - Counts 1 thru 7

Officer Beau Langford

Certified Service: 5-22-2017

Initial Hearing: 7-26-2017

**Continuance granted to 30 Jan 2019**

**Counts 1-7:** During a routine investigation of the online website www.airbnb.com, the subject property held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 1 June 2017 through 8 June 2017 for a total of \$808.00.

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

24

**Case # 17-866**

AIRBNB, Inc

Lawyers Inc Service - Registered Agent

721 Georgia Street A

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

Officer Beau Langford

Certified Service: 11-15-2017 Amended Notice

Initial Hearing: 7-26-2017

**Continuance granted to 30 Jan 2019**

**Counts 1-7:** The subject property was held out/advertised by the respondent for transient rental for 7 nights the dates of 19 June 2017 through 26 June 2017 for a total of \$834.00

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



25

**Case # 17-1213**

Erwin Mayer &amp; Didier R Moritz - property owner

1300 15th Court Lot 77

Sec. 90-363 Certificate of Occupancy - required

Sec. 58-61 Determination and levy of charge

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

Officer Jorge Lopez

Certified Service: 11-16-2017

Initial Hearing: 12-20-2017

**Continuance granted to 30 Jan 2019 for compliance****Count 1:** For failure to obtain a certificate of occupancy for the addition that was built. **Count 2:** For failure to pay impact fees related to utilities.**Count 3:** For failure to obtain building permits for the addition to the trailer and for the installed plumbing.

The Special Magistrate granted the request to continue this case to 30 Jan 2019. The Special Magistrate asked what was going on with this case and Officer Lopez stated they are trying to settle but they are going back and forth; but, they are making progress.

26

**Case # 18-46**

Jana Kopkova

Kukal Vaclav

3304 Duck Avenue

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

Officer Jorge Lopez

Certified Service: 09-25-2018

Initial Hearing: 10-31-2018

**In compliance 17 Dec 2018; Request dismissal****Count 1:** Failure to obtain required permits for the enclosed driveway and new roof.

The Special Magistrate granted the request to dismiss this case.

27

**Case # 18-595**

Curtis A Skomp  
410 Caroline Street  
Sec. 14-40 Permits in historic districts  
Officer Jorge Lopez  
Certified Service: 8-6-2018  
Initial Hearing: 9-26-2018

**In compliance 17 Dec 2018; Request dismissal**

**Count 1:** Failure to obtain required HARC permit for approval of signage.

The Special Magistrate granted the request to dismiss this case.

28

**Case # 18-673**

John Cameron  
Lara Schmidt  
620 Thomas Street 178  
~~Sec. 14-325 Permit required - Dismissed~~  
~~Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - Dismissed~~  
~~Sec. 14-40 Permits in historic districts - Dismissed~~  
Sec. 14-262 Request for inspection  
Officer Jorge Lopez  
Certified Service: 6-28-2018  
Initial Hearing: 7-25-2018

**Continued from 29 Nov 2018 for compliance**

~~Count 1: Installation of the HVAC system without required permit. - Dismissed~~ **Count 2:** The HVAC system was installed without required mechanical permit. - Dismissed **Count 3:** HVAC system was installed without certificate of appropriateness. - Dismissed **Count 4:** HVAC installed without required permits and inspections.

No one appeared for the respondent. Officer Jorge Lopez gave testimony stating they are not in compliance as of today. The last final inspection on Nov. 26, 2018 they failed. The Special Magistrate stated the fines are running and Officer Lopez stated starting today.

29

**Case # 18-1011**

Bahama Gardens LTD

Steven Justi - Registered Agent

712 Thomas Street

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 inspections

Officer Jorge Lopez

Certified Service: 09-17-2018

Initial Hearing: 10-31-2018

**Continuance granted to 30 Jan 2019 for compliance**

**Count 1:** Failure to obtain required permits for a new HVAC system installed in the rear side of the subject property. **Count 2:** Failure to obtain mechanical permit for the installation of a new HVAC system in the rear side of the subject property. **Count 3:** Failure to obtain the certificate of appropriateness from HARC for the new HVAC system. **Count 4:** Failure to obtain all required inspections for the new HVAC system.

**The Special Magistrate granted the request to continue this case to 30 Jan 2019**

30

**Case # 18-1669**

Island-West Investment Corp.

Julian Jasmine Collins

Hugh Morgan - Registered Agent

1213 14th Street 82

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

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

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 Jorge Lopez

Certified Mail:

Initial Hearing: 12-19-2018

**Continuance granted to 30 Jan 2019**

**Count 1:** Failure to obtain permit for working on the roof. **Count 2:** Failure to obtain permit for framing of the residence. **Count 3:** Failure to obtain a permit for electric work. **Count 4:** Failure to obtain a permit for plumbing work done underneath the residence.

**The Special Magistrate granted the request to continue this case to 30 Jan 2019**

31

**Case # 18-1697**

Center Court Historic Inn &amp; Cott. LC

Naomi Van Steelandt - Registered Agent

912 Center Street

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

Officer Jorge Lopez

Certified Mail: 11-20-2018

Initial Hearing: 12-19-2018

**New Case**

**Count 1:** Failure to obtain a Permanent Right-of-Way permit from the City of Key West Engineering Department for adding gravel to the City right of way.

**Naomi Van Steelandt attended this meeting. Officer Jorge Lopez gave testimony stating that the property owner will be admitting to the violation today. The City is requesting the finding of the violation for all three properties with an administrative fee of \$250 and \$250 per count per property if not in compliance within 60 days. The Special Magistrate asked Ms. Van Steelandt if that was correct and she stated that is correct. The Special Magistrate stated by the respondents admission in case#18-1697 there has been an admission to the violation with a \$250 cost with \$250 cost with compliance by 25 Feb 2019.**

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**Case # 18-1698**

Center Court Historic Inn &amp; Cott. Lc

Naomi Van Steelandt - Registered Agent

918 Center Street

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

Officer Jorge Lopez

Certified Mail: 11-20-2018

Initial Hearing: 12-19-2018

**New Case**

**Count 1:** Failure to obtain a Permanent Right-of-Way permit from the City of Key West Engineering Department for adding gravel to the City right of way.

**Naomi Van Steelandt attended this meeting. Officer Jorge Lopez gave testimony stating that the property owner will be admitting to the violation today. The City is requesting the finding of the violation for all three properties with an administrative fee of \$250 and \$250 per count per property if not in compliance within 60 days. The Special Magistrate asked Ms. Van Steelandt if that was correct and she stated that is correct. The Special Magistrate stated by the respondents admission in case#18-1698 there has been an admission to the violation with a \$250 cost with \$250 cost with compliance by 25 Feb 2019.**

33

**Case # 18-1699**

Center Court Historic Inn & Cott. Lc  
Naomi Van Steelandt - Registered Agent  
915 Center Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Officer Jorge Lopez  
Certified Mail: 11-20-2018  
Initial Hearing: 12-19-2018

**New Case**

**Count 1:** Failure to obtain a Permanent Right-of-Way permit from the City of Key West Engineering Department for adding gravel to the City right of way.

Naomi Van Steelandt attended this meeting. Officer Jorge Lopez gave testimony stating that the property owner will be admitting to the violation today. The City is requesting the finding of the violation for all three properties with an administrative fee of \$250 and \$250 per count per property if not in compliance within 60 days. The Special Magistrate asked Ms. Van Steelandt if that was correct and she stated that is correct. The Special Magistrate stated by the respondents admission in case#18-1698 there has been an admission to the violation with a \$250 cost with \$250 cost with compliance by 25 Feb 2019.

34

**Case # 18-887**

Donna Moody  
1328 South Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Paul Navarro  
Certified Service: 11-2-2018  
Initial Hearing: 12-19-2018

**In compliance 13 Dec 2018; Request dismissal**

**Count 1:** Two illegal units were built without the benefit of permits at the subject location. **Count 2:** Renting two illegal units without the benefit of a business tax receipt.

The Special Magistrate granted the request to dismiss this case.

35

**Case # 18-1880**

Tyler Buckheim  
404 Petronia Street  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Paul A. Navarro  
Certified Mail:  
Initial Hearing: 12-19-2018

**In compliance 15 Nov 2018; Request dismissal**

**Count 1:** Failure to obtain an occupational license.

The Special Magistrate granted the request to dismiss this case.

36

**Case # 18-1995**

William McKinzie Estate  
Linda Freeman - Personal Representative  
925 Whitehead Street  
Sec. 26-126 Clearing of property of debris and noxious material required  
Sec. 26-31 Offensive and nuisance conditions prohibited  
Officer Paul Navarro  
Certified Mail: 11-26-2018  
Initial Hearing: 12-19-2018

**In compliance 29 Nov 2018; Request dismissal**

**Count 1:** Failure to remove a bee hive on the side of the property.

**Count 2:** Failure to remove a bee hive which is creating a hazardous condition.

The Special Magistrate granted the request to dismiss this case.

**Mitigations**



37

**Case # 17-1283**

Ted J McByrnett Estate  
Joseph Krygier  
1007 Thomas Street

**Motion For Reconsideration of Mitigation Of Fines**

David Paul Horan representative for Mr. Krygier and Mr. Spriggs; and stated this is a case having to do with the death of a person and Dein Spriggs is the title holder at this point. The Special Magistrate asked when mitigation was filed which was 9-17-2018 and was put on the November calendar which no one showed up. On the 3rd of Dec., the Special Magistrate signed an order denying the request for mitigation. Mr. Horan stated that he has an explanation as to what occurred. The property was owned by Mr. McBurnett who passed away on April 2016 and in his will he left the property to Mr. Krygier. Mr. Krygier continued to live in the house and then when the property taxes went into arrearage Mr. Spriggs saw it was about to be foreclosed under a tax deed and contacted Mr. Krygier asking what was going on. Mr. Krygier said he had an agreement with Mr. Nassir who was responsible for the maintenance, taxes, assessments, capital expenses, etc. and Mr. Nassir was the one who defaulted on this. Mr. Nassir was in the position to see the notices that were being sent by the City and never disclosed this. They are in litigation now. What is significant is that Mr. Krygier signed a quick claim deed to Mr. Spriggs which was recorded. Mr. Spriggs took property without any notice of any type of lien or encumbrances on the property. Mr. Spriggs is the one who actually came and got the property into compliance. Mr. Spriggs paid the property taxes and purchased the property from Mr. Krygier. This is a matter of older people who really were not paying any attention and now it has been brought into compliance by Mr. Spriggs. He would be happy to see any kind of help with the mitigation. Director Young stated there was no lien filed that it was the fines that were running on a daily basis and then they achieved compliance so the fines were ceased at that time. The Special Magistrate stated that under the statutes there can only be a 50% mitigation of fines at the most. Director Young stated that was correct unless you find extenuating circumstances. City Attorney Ron Ramsingh stated that if you do find those circumstances you have to reduce your findings to writing. The Special Magistrate stated he understands what the new owner went through with this but Mr. Krygier and recitation of facts still does not mitigate the fact that there was a code violation there regardless of the fact that it was with someone else. The Special Magistrate stated that he was under obligation to follow the City ordinance that limits him to a 50% reduction. He can take into account what happened to Mr. Spriggs. The Special Magistrate asked when did Mr. Spriggs take ownership of the property. Mr. Horan stated his deed is for August 9, 2018 and is a quick claim. The Special Magistrate said that it does not sound like he did not go through the normal avenues of research so it is a Buyer Beware issue. Mr. Horan said he agrees but the McBurnett estate is being probated in the Circuit Court now so Mr. Krygier was the equitable owner but he was not the owner because the estate had not been probated. The question is who owes the fine as Mr. Krygier was not the owner as the estate had not been probated. Mr. Horan stated who does the fine go against. He does not believe it is Mr. Spriggs because he is new to the whole situation. He believes it should probably go to Mr. Krygier as he

has equitable ownership under a will that is in probate. The Special Magistrate stated the fine goes with the property and Mr. Spriggs and Mr. Krygier will have to settle amongst themselves. The Special Magistrate stated he can't take \$1,500 in mitigation and he does not see any reason to vary outside the statute. The Special Magistrate stated he is willing to go down to the 50% because of the snafu of changing of ownership unless the City has some issue. The Special Magistrate asked if there is a reason for the City to object. Ron Ramsingh stated the City is mute as that is the purpose of the ordinance to take the City out of it. Mr. Ramsingh stated it still shows Mr. McBurnett as the property owner and the fines run with the land. The Special Magistrate stated he will continue this mitigation hearing since the estate is still showing Mr. McBurnett as owner. The Special Magistrate stated he will continue this mitigation as it is premature and there is nothing at this time that shows that Mr. Spriggs owns this piece of property even though he has a quick claim. Special Magistrate stated that he will continue this to straighten out the facts about ownership of this property because if in fact Mr. Spriggs does own it than we will come back and mitigated but if it is still owned by the McBurnett Estate than they will have to petition for mitigation. The Special Magistrate stated it will be continued to 30 Jan 2019.

#### Adjournment