



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

Code Compliance Hearing

Wednesday, June 27, 2018

1:30 PM

City Hall

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

Continued from 30 May 2018

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.

Robert Janicki, the respondent, attended this hearing. Officer Bonnita Badgett gave testimony that a Stop Work Order was placed. The worker took her and the building inspector through the house showing the work being done in the main house. There was a shed with electric and plumbing. There was a Tiki hut with new fixture in the bathroom with a kitchen which appeared to be setup for habitable space. They have applied for building permits for the main house. They have applied for the electric permits for the Tiki hut and shed but these are on hold as it needs to be determined if this can be habitable space. There is no plumbing permits applied for the shed and Tiki hut. Mr. Ramsingh needs to know if he is contesting or agreeing to the violations. Mr. Janicki stated he purchased the house with violations and is working towards fixing them. Mr. Janicki would like to get a continuance. Mr. Ramsingh stated that it is the city's position that if he wants to resolve this and not contest, we get a finding of violation, we closed the evidence part of the case and give him time to come into compliance. Mr. Janicki would like to move forward and come into compliance. Mr. Ramsingh asked that the Special Magistrate issue a Finding of Order of violation of all the counts with \$250 court cost and \$250 per day per count and we can give him 60 or 90 days with further extension if he is showing due diligence. He will only owe the court cost if he comes into compliance before the end of the compliance period. The Special Magistrate finds that there is a violation with an admission to the same to all five counts. The costs will be \$250 with \$250 per day per count. He will give a 60-day continuance and is very amenable to a continuance without a hearing as long as the city is satisfied that he is moving forward. The hearing is set for August 29, 2018. Director Young requests that the city dismiss count 5. The Special

Magistrate agreed and told Mr. Janicki that it will only be 4 counts at \$250 per day if not in compliance.

2

Case # 18-247

Juan Betancurt

291 Front St

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

Sec. 14-262 Request for inspection

Officer Wherden Charles

Certified Service: 5-19-2018

Initial Hearing: 6-27-2018

New Case

Count 1: Failure to obtain an electrical permit for the placement of LED lights on the ceiling. **Count 2:** Failure to obtain an electrical inspection.

The respondent did not appear. Officer Wherden Charles gave testimony that LED lights were installed without a building permit. The permit is permitted but has not been picked up. The city requests \$250 costs with \$250 per count per day. The Special Magistrate found a finding of violation with \$250 cost with fine of \$250 per day per count with compliance starting today June 27, 2018. There was proper notice.

3

Case # 18-496

Christian M. Zuelch

Rupp William R Trust 10/3/1991

411 Greene Street

Sec. 2-939 Licenses

Sec. 14-40 Permits in historic districts

Officer Wherden Charles

Certified Service: 4-25-2018 - Christian Zuelch

Certified Service: 4-28-2018 - Rupp William R Trust 10/3/1991

Initial Hearing: 5-30-2018

In compliance 27 Jun 2018; request dismissal

Count 1: The subject business has not renewed their license which expired 30 Sept 2017. **Count 2:** Failure to obtain required HARC approval for signage.

The Special Magistrate granted the request to dismiss this case.

4

Case # 18-633

Janice Isherwood
523 Elizabeth Street
Sec. 26-32 Nuisances illustrated
Officer Wherden Charles
Posted: 6-21-2018
Initial Hearing: 6-27-2018

Repeat Violation**Request continuance for good service**

Count 1: Failure to remove substances that emit or cause foul, obnoxious, unhealthy or disagreeable odor or effluvia from the residence. This is a repeat violation Case# 17-869.

The Special Magistrate granted the request to continue this case to 25 July 2018 for good service.

5

Case # 18-683

David Bootle - Musician
Daniel J Dingeman - Violator
Mangoes Restaurant
700 Duval Street
Sec. 26-192 Unreasonably excessive noise prohibited
Officer Wherden Charles
Certified Service: 5-29-2018 - Musician
Initial Hearing: 6-27-2018

New Case

Count 1: A DBC sound level was taken and this location was in violation of unreasonably excessive noise.

Van Fischer, Attorney, represented the respondents. Ron Ramsingh represented the city. Officer Wherden Charles gave testimony that a sound meter reading was taken of 95.2 DBC which is a violation per ordinance. Mr. Fischer stated they are contesting. In the Notice of Violation, there was no sound level reading provided nor calibration sheet. Mr. Ramsingh said it is the city's understanding that this was given to the manager that day by Officer Charles. Mr. Fischer stated there was no readings given with the notice of violation. Mr. Ramsingh stated it is City's position that it was given to the manager on that day. Mr. Ramsingh offered no fees or fines on this case. The Special Magistrate stated there is an admission to the violation with no fees or fines.

6

Case # 17-447

Lime Grove Properties, LLC

2907 Seidenberg Avenue

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

Sec. 90-363 Certificate of occupancy - required

Sec. 58-61 Determination and levy of charge

Sec. 14-325 Permits required

Sec. 14-262 Request for inspection

Officer Sophia Doctoche

Certified Service: 9-6-2017

Initial Hearing: 10-18-2017

In compliance 4 Jun 2018; request dismissal

Count 1: For failure to obtain building permits to convert the single family residence into two units and for failure to obtain building permits to convert the pool house into a livable unit. **Count 2:** For failure to obtain a certificate of occupancy for the two extra units. **Count 3:** For failure to pay solid waste charges on the two extra units. **Count 4:** For failure to obtain a permit for refrigeration for the two extra units. **Count 5:** For failure to obtain the required inspections for the refrigeration of the two extra units.

The Special Magistrate granted the request to dismiss this case.

7

Case # 17-1391

Steven E Ness

1319 United Street 1

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

- DismissedSec. 26-32 Nuisances illustrated - **Dismissed**Sec. 26-31 Offensive and nuisance conditions prohibited - **Dismissed**Sec. 62-2 Obstructions - **Dismissed**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

Sec. 90-363 Certificate of occupancy - required

Sec. 58-61 Determination and levy of charge

Officer Sophia Doctoche

Certified Service: 2-28-2018

Initial Hearing: 3-28-2018

In compliance 26 Jun 2018; request dismissal

~~Count 1: For failure to clear the property of all unsightly or unsanitary conditions. Count 2: For leaving dirty bowls/plates out on the right of way for the chickens that cause a foul odor in the neighborhood. Count 3: For failure to clean the property of all food, containers and debris left outside. Count 4: For obstructing the right of way with bowls, plates, pots and pans to use for feeding the chickens.~~ **Count 5:** For failure to obtain a building permit for the third unit. **Count 6:** For failure to obtain a business tax receipt to rent the third unit. **Count 7:** For failure to obtain a certificate of occupancy for the third unit. **Count 8:** For failure to obtain utility accounts for the third unit.

The Special Magistrate granted the request to dismiss this case.

8

Case # 18-335

Brendan C. Milligan
1430 Grinnell Street 2
Sec. 66-102 Dates due and delinquent penalties
Officer Sophia Doctoche
Certified Service:
Initial Hearing: 6-27-2018

In compliance 21 May 2018; request dismissal

Count 1: Failure to renew the business tax receipt that expired 30 September 2017.

The Special Magistrate granted the request to dismiss this case.

9

Case # 18-473

Keystrees Inc
David R. Cunningham - Registered Agent
1300 White Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Certified Service: 5-18-2018
Initial Hearing: 6-7-2018

In compliance 21 May 2018; request dismissal

Count 1: Subject business owner has not renewed two of their licenses which expired 20 September 2017.

The Special Magistrate granted the request to dismiss this case.

10

Case # 18-641

William Larose

2750 North Roosevelt Boulevard

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

Sec. 18-15 Certificate of Competency required

Officer Sophia Doctoche

Certified Service: 6-1-2018

Initial Hearing: 6-27-2018

Continuance granted to 25 Jul 2018

Count 1: An unlicensed contractor doing electrical work without a permit.

Count 2: Engaging in business without being a licensed contractor.

The Special Magistrate granted the request to continue this case to 25 Jul 2018.

11

Case # 18-729

Salinero Construction, LLC
Fred Salinero
3743 Donald Avenue
Sec. 110-292 Failure to achieve a compliance agreement
Officer Sophia Doctoche
Certified Service: 5-31-2018
Initial Hearing: 6-27-2018

New Case

Count 1: Failure to achieve compliance regarding a settlement agreement with Karen DeMaria of Urban Forestry.

Fred Salinero, the respondent, attended the hearing. Officer Sophia Doctoche for the City of Key West. The Special Magistrate gave a disclosure that he represented Mr. Salinero in a construction case about a year ago and wanted to know if there were any objections. The City waved any objection as did Mr. Salinero. Officer Doctoche gave testimony stating she received a complaint from Karen DeMaria, the Urban Forestry Manager, regarding a settlement agreement for tree abuse. Mr. Salinero agreed he signed the settlement agreement with the tree commission. He stated his failure was that he never planted a tree in the park. Karen DeMaria gave testimony that it was determined that the mahogany tree was cut and there was irreparable damage to the tree. There was an emergency permit given to remove the tree. Whenever a tree is removed, replacements are required. He went in front of the tree commission and a settlement agreement was made. It required that he plant at the resident on Donald Avenue and at Cozumel Park which neither have been done. She can only have compliance if the trees are placed. Mr. Salinero understands. The city would accept the trees being placed at Cozumel Park and she would to get in touch with the Parks and Recreations Department about this. They could also go on areas on the city right of way. The city would be willing to extend compliance for another 60 days. If he does not come into compliance in 60 days and does not have a reasonable excuse, the Special Magistrate can impose a \$5,000 fine for irreparable damage per count or per day fine. The Special Magistrate finds that there is an admission to the violation with \$250 court costs and is going to reset to August 28, 2018 for compliance. If there is no compliance at that time than he will set the fine. On behalf of the city, they would like to see the trees planted. The compliance hearing will be on August 29, 2018.

12

Case # 18-751

Mark Morales

516 Olivia Street

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

Sec. 14-40 Permits in historic districts

Sec. 14-262 Request for inspection

Sec. 66-87 Business tax receipt required for all holding themselves out

Sec. 18-150 Certificate of competency required

Officer Sophia Doctoche

Certified Service:

Initial Hearing: 6-27-2018

Settlement Agreement**Count 1:** Doing roofing work without the benefit of roofing permit.**Count 2:** Doing roofing work without the benefit of a certificate of appropriateness from the HARC Department. **Count 3:** Failure to obtain a roof inspection after work is done. **Count 4:** Conducting himself as a contractor without the required business license. **Count 5:** Failure to obtain a certificate of competency to act in the capacity of a contractor.**A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 were imposed along with a fine of \$250 for a total of \$500 with a suspended fine of \$1,000.**

13

Case # 16-1707

Terence Schmida
Joanna M Schmida Rev Trust DTD
Walter G Schmida Rev Trust DTD
3301 Duck Avenue C
FBC 1612.4 Flood Hazard Construction
Sec. 90-356 Building Permit Required
Sec. 90-363 Certificate of Occupancy
Sec. 14-74 Nuisances - **Dismissed**
FBC 1612.4 Flood Hazard Construction -
Officer Scott Fraser
Certified Service: 8-17-2017 - W. Schmida
Initial Hearing: 8-30-2017

Continued from 30 May 2018 for compliance

Count 1: Within FEMA designated AE-7 flood zone, interior space at ground level has been enclosed and said areas are actively being used for purposes other than the permitted uses for storage, parking or access to higher building levels. **Count 2:** Construct or allow to be constructed without the required building permits enclosed ground-floor areas for habitation. **Count 3:** Allowed occupancy of enclosed areas below the established flood level- constituting an unauthorized change of use from parking and storage to habitation; said enclosed areas not having been issued a certificate of occupancy, as required. **Count 4:** ~~Front-of-property exists a dilapidated wooden fence with concrete posts, both of which have deteriorated to the point where they present a danger from falling or collapse and injury to the occupants, neighbors and passers by.~~ **Count 5:** Construct or allow to be constructed an enclosed area below the established floor level without benefit of the required permits a patio area at the rear of this building.

The Special Magistrate granted the request for continuance of this case to 25 Jul 2018.

14

Case # 17-716

Rockwell Property, Inc. - Property Owner

Gregory G. Farrelly - Registered Agent

816 Fleming Street

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

Officer Leonardo Hernandez

Certified Service: 4-13-2018 - Registered Agent

Certified Service: 4-16-2018 - Property Owner

Initial Hearing: 5-30-2018

Continuance granted to 28 Aug 2018

Count 1: Addition to the roof, black tar coating that extends to the neighbor's property was poured down and erected without the required building permits.

The Special Magistrate granted the request for continuance of this case to 28 Aug 2018.

15

Case # 17-885

Carolyn C. Helliesen

Douglas A. Helliesen

1221 Laird Street

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

Officer Leonardo Hernandez

Certified Service: 5-4-2018

Initial Hearing: 5-30-2018

Continuance granted to 25 Jul 2018

Count 1: After-the-fact permit application for upstairs walkway/porch has been in call back status since June 23, 2017 due to the property owners not providing the required supporting documentation.

The Special Magistrate granted the request to continue this case to 25 Jul 2018.

16

Case # 17-1261Redmarq Homes LTD Co. - **Dismissed**~~James Lewis Redmond - **Dismissed**~~

Marcel, Milan & Dominika Kozak - property owners

1501 Truman Avenue Down Rear

~~Sec. 18-117 Acts declared unlawful - **Dismissed**~~~~Sec. 18-157 Employment of unlicensed persons prohibited - **Dismissed**~~~~Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - **Dismissed**~~

Sec. 14-40 Permits in historic districts

~~Sec. 14-235 Permits required - **Dismissed**~~~~Sec. 14-327 Inspection - **Dismissed**~~Sec. 14-261 Failure to obtain - **Request dismissal**

Sec. 14-262 Request for inspection

Officer Leonardo Hernandez

Certified Service: 12-6-2017 - property owners

Initial Hearing: 1-3-2018

In compliance 22 Jun 2018; Administrative fees pending

~~Count 1: For aiding and abetting unlicensed contractors. Count 2: Employment of unlicensed persons is prohibited. Count 3: For working over the scope of permit 17-2809. Count 4: A/C condensers were installed without the benefit of a Certificate of Appropriateness. Count 5: A mechanical permit is required to install a/c condensers. Count 6: Inspections are required for mechanical installations. Count 7: Electrical work being done without the benefit of a electrical permit. Count 8: Electrical apparatus work requires inspection.~~

The Special Magistrate acknowledged that the respondents came into compliance with this case but Administrative fees of \$250 are pending. The case will remain open until fees are paid.

17

Case # 18-69

Lam Fong Yin &

Tong Yat Hok

2108 Harris Avenue

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

Sec. 14-261 Failure to obtain - **Request dismissal**

Sec. 14-262 Request for inspection

Officer Leonardo Hernandez

Posted: 4-10-2018

Initial Hearing: 4-25-2018

Continued from 25 Apr 2018 for compliance; request dismissal of Count 2

Count 1: For failure to obtain building permits for the interior work involving dry wall, ceiling and exterior porch roof coverage. **Count 2:** An electrical permit was obtained but the work performed was not done by that electrical contractor. **Count 3:** For failure to obtain required electrical inspections.

Lam Fong Yin, one of the respondents, with her son who will translate attended this hearing. Officer Leonardo Hernandez gave testimony. The Special Magistrate granted the dismissal of Count 2. Officer Hernandez stated there has been progress but they are not in compliance as of yet. Ms. Lam's son stated that they have been working with the city. They have obtained the proper electrical permit and are trying to get to the point to get the final inspection. There are issues with the contractor that is leaving the country for two months. They are having a hard time trying to find a licensed contractor to finish. They are asking for a 60-day continuance as they know someone who is coming on July 15 who can finish for the final inspection. The Special Magistrate wanted to know what progress has been going on. Officer Hernandez said there is no progress with count 1. Ms. Lam's son stated they have been trying to find a contractor to do this work with no luck and they are making efforts to come into compliance with count 1. The Special Magistrate is granting a continuance to August 29, 2018 for compliance. If it is not done by August 28 then the fines will start running daily. This is a safety issue.

18

Case # 18-155

Todd & Tonya Feit
3343 Flagler Avenue 33
Sec. 14-262 Request for inspection
Officer Leonardo Hernandez
Certified Service: 6-6-2018
Initial Hearing: 6-27-2018

New Case

Count 1: Failure to obtain a final inspection with approval for after-the-fact electrical permit to be closed out.

The respondents did appear. Officer Leonardo Hernandez gave testimony that the respondents are requesting a continuance for 30 days to allow them to speak with Director Young and himself to work towards compliance and the City agreed. The Special Magistrate stated we will continue by agreement to July 25, 2018.

19

Case # 18-310

Carmar Transportation, Inc
Margaret C. Scholl - Owner
United Stated Corp. Agents, Inc. - Registered Agent
1300 White Street
Sec. 78-126 Required
Sec. 78-91 Required
Officer Leonardo Hernandez
Certified Service: 6-5-2018 - Owner
Initial Hearing: 6-27-2018

New Case

Count 1: Failure to obtain required passenger vehicle for hire license.

Count 2: Failure to obtain passenger vehicle for hire driver's permit.

Robert Cintron, Attorney, and Ms. Scholl, the respondent attended the hearing. Officer Leonardo Hernandez attended. Mr. Cintron asked for a continuance for two reasons. He has been were working with the city to try to resolve this issue but was unable to. Mr. Cintron is unable to be Ms. Scholl's lawyer as he is the attorney for the city in CRB. They are asking for more time to find a lawyer. The city does not object to a continuance for 30 days. The Special Magistrate agrees. The hearing will be July 25, 2018.

20

Case # 18-436

Keys Cooling LLC

Chris Gazzale

1300 White Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Leonard Hernandez

Certified Service: 4-25-2018

Initial Hearing: 5-30-2018

Continued from 30 May 2018 for compliance

Count 1: The subject business owner has not renewed their license which expired 30 September 2017.

Officer Leonardo Hernandez stated that this case has come into compliance today June 27, 2018. The Special Magistrate granted dismissal of this case and there are still pending Administrative fees of \$250. The case will be closed once these have been paid.

21

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

Officer Leonardo Hernandez

Certified Service: 5-30-2018 - Owner

5-23-2018 - Registered Agent

Initial Hearing: 6-27-2018

New Case

Count 1: Failure to obtain an after-the-fact building permit for interior framing of shed and dock behind shed.

The respondents did not attend this hearing. Officer Leonardo Hernandez gave testimony that there was a shed and dock observed that were built without required permits. Good service was received for notices. As of today, there are no building permits applied for. The city would like to have a finding of violation with \$250 court costs and \$250 per day per count with a compliance period of 30 days. The Special Magistrate found that there is a violation with \$250 court costs and \$250 per day per count with compliance on or before July 24, 2018 with a compliance hearing on July 25, 2018.

22

Case # 18-556

Wendall A. Wall

4 Go Lane

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

Officer Leonard Hernandez

Certified Service: 5-18-2018

Initial Hearing: 6-27-2018

Continuance granted to 26 Sept 2018

Count 1: Failure to obtain after-the-fact building permit for fence with required supporting documents provided to the Planning Department and Urban Forestry Manager.

The Special Magistrate granted the request to continue this case to 26 Sept 2018.

23

Case # 18-745

Ronit Berdugo - Violator

Brian Behar, ESQ. - Registered Agent

The Oaks Key West LLC - Property Owner

330 Julia Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulationsSec. 122-1371 D (9) Transient living accommodations in residential
dwellings; regulations - **Counts 3 - 27**

Officer Leonardo Hernandez

Certified Service: 6-21-2018 - Registered Agent

Initial Hearing: 6-27-2018

Repeat Violations**Continuance granted to 25 July 2018**

Count 1: Subject property held out for short term rental without the benefit of a transient rental license. **Count 2:** Subject property holding out/advertising for short term rental without the benefit of the required city, county and state licensing. Subject property does not have a transient medallion and has not been inspected by the City of Key West Fire Department. **Counts 3 - 27:** Subject property is holding out for transient rental for 27 nights the dates of 3 Jun 2018 thru 30 Jun 2018 for a total of \$3,529.00.

The Special Magistrate granted the request for continuance to 25 Jul 2018.

24

Case # 16-720

Trevor Cook
Elizabeth Fuller
908 Packer Street
Sec. 62-2 Obstructions
Officer Beau Langford
Certified Service:
Initial Hearing: 6-27-2018

Continuance granted to 25 Jul 2018

Count 1: Fence was built over the property line and will either need to be demolished or a variance applied for.

The Special Magistrate granted the request to continue this case to 25 Jul 2018.

25

Case # 16-773

Brittany D Delgado
~~Mark R Delgado Estate~~
2807 Seidenberg 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
Officer Beau Langford
Certified Service:
~~Posted: 8-10-2017~~
Initial Hearing: 8-30-2017

Request continuance for good service

Count 1: Failure to obtain a Certificate of Occupancy for residential unit in the rear of the property. **Count 2:** Failure to have Utilities associated with the residential unit in the rear of the property. **Count 3:** Failure to have a non-transient business tax receipt for the residential unit in the rear of the property.

The Special Magistrate granted the request to continue this case to 25 Jul 2018.

26

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 26 September 2018

Counts 1 - 7: During a routine investigation of the online website 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 26 Sept 2018.

27

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 26 September 2018

Counts 1 - 7: During routine investigation of the online website 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 26 Sept 2018.

28

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 26 September 2018

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 July 2017 through 8 July 2017 for a total of \$1,638.00.

The Special Magistrate granted the request to continue this case to 26 Sept 2018.

29

Case # 17-746

AIRBNB, Inc. - Registered Agent

Brian Chesky - CP

Lawyers Incorporating Services 2710

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

1207 Florida Street

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 26 September 2018

AIRBNB, Inc.: Counts 1-4: 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 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 26 Sept 2018.

30

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 26 September 2018

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 26 Sept 2018.

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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 26 September 2018

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 26 Sept 2018.

32

Case # 16-335

Eleanor J Miller-Laino

3735 Cindy Avenue

Sec. 90-363 Certificate of occupancy - Required

Sec. 58-61 Determination and levy of charge

Sec. 122-238 Dimensional requirements

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

Officer Jorge Lopez

Certified Service: 7-17-2017

Initial Hearing: 8-30-2017

In compliance 31 May 2018; request case to be closed

Count 1: Failure to obtain a certificate of occupancy. **Count 2:** Failure to pay impact fees related to utilities. **Count 3:** This unit/structure is located in the rear side of the subject property in the setback. **Count 4:** Renovations including plumbing and electrical work done without the benefit of building permits.

The Special Magistrate granted the request to dismiss this case as the case came into compliance on 31 May 2018 and the Administrative fee was paid.

33

Case # 17-1146

Jordan James & Sara Key

1309 Newton Street

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

Sec. 14-40 Permits in historic districts

Sec. 14-262 Request for inspection

Officer Jorge Lopez

Certified Service: 3-26-2018

Initial Hearing: 4-25-2018

Continued from 25 Apr 2018 for compliance

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.

John Marston, Attorney, represented the respondent. Officer Jorge Lopez gave testimony that an application has been submitted for the a/c. Melissa Leto is waiting for the survey from the licensed contractor so she can review the total application. This is a compliance hearing. Mr. Ramsingh states he spoke with HARC and they are in the pipeline. Mr. Marston is requesting a continuance for compliance. The city will not object to one continuance and then see where they are at in the process as they did submit an application to HARC and Planning. The city would agree to a 30 days continuance. The Special Magistrate agreed. The hearing will be held on July 25, 2018.

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Case # 17-1203

Browning Family Irrevocable Trust
Michael Leo Browning
1300 White Street
Sec. 78-126 Required
Sec. 78-91 Required
Officer Jorge Lopez
Certified Service:
Initial Hearing: 6-27-2018

Request for continuance to 25 July 2018 for good service

Count 1: Subject business owner has not renewed their vehicle for hire license. **Count 2:** The subject individual has not received their documented permit which is required to operate a passenger vehicle for hire within the city limits.

The Special Magistrate granted the request to continue this case to 25 Jul 2018 for good service.

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Case # 17-1213

Erwin Mayer & 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 - property owner
Initial Hearing: 12-20-2017

Continuance granted to 25 Jul 2018

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 for continuance to 25 Jul 2018.

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Case # 18-124

Richard & Kelly S Dostal, Estate

208 Truman Avenue

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

Officer Jorge Lopez

Certified Service: 2-9-2018

Initial Hearing: 2-28-2018

In compliance 15 June 2018; administrative fees pending

Count 1: For failure to maintain the property. It is overgrown and there are piles of yard debris and bulk waste. This property has previously been cited for the same conditions (Cases 15-918 and 16-1410).

Compliance was obtained on 15 Jun 2018. The case cannot be closed until the Administrative fees are paid.

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Case # 18-125

Edward & Gwen Keenan

1021 Watson Street

Sec. 26-32 Nuisance illustrated

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

Officer Jorge Lopez

Posted: 4-24-2018

Initial Hearing: 5-30-2018

In compliance 23 Jun 2018; Administrative fees pending

Count 1: For failure to clean the pool to avoid a breeding ground for mosquitoes. ~~Count 2: For failure to remove the debris from the yard.~~

Dismissed

Compliance was obtained on 23 Jun 2018. The case cannot be closed until the Administrative fees are paid.

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Case # 18-392

Silver KW, Inc.

Alon Croitoru - Registered Agent

137 Duval Street 141

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

Sec. 14-40 Permits in historic districts

Sec. 114-103 Prohibited signs

Sec. 2-939 Licenses

Officer Jorge Lopez

Certified Service: 6-11-2018

Initial Hearing: 5-30-2018

Continuance granted to 25 Jul 2018

Count 1: New installation of rolling steel doors on the exterior of the building without the benefit of a permit. **Count 2:** The rolling steel doors and the hanging sign over the sidewalk were installed without the benefit of a certificate of appropriateness. **Count 3:** Multiple prohibited signs on the exterior of the building. **Count 4:** The sign hanging over the sidewalk does not have a revocable license.

The Special Magistrate granted the request to continue this case to 25 Jul 2018.

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Case # 18-528

Emotional Wellness Counseling, LLC.

Adeline Mctavous

1010Kennedy Drive #306

Sec. 66-102 Dates due and delinquent; penalties

Officer Jorge Lopez

Certified Service:

Initial Hearing: 6-27-2018

In compliance 17 May 2018; request dismissal

Count 1: Business owner has not renewed this license which expired 30 Sept 2017.

The Special Magistrate granted the request to dismiss this case.

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Case # 18-582

Old Town Mexican Cafe, Inc.
Gregory Farrely - Registered Agent
609 Duval Street
Sec. 114-103 Prohibited Signs
Officer Jorge Lopez
Certified Service: 5-23-2018
Initial Hearing: 6-27-2018

In compliance 22 May 2018; request dismissal

Count 1: Obstruction of City right of way by two "A" frame sign.

The Special Magistrate granted the request to dismiss this case.

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Case # 18-615

Martin Busam
1126 Grinnell Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-40 Permits in historic districts
Sec. 14-262 Request for inspection
Sec. 102-152 Requirement for permits
Officer Jorge Lopez
Certified Service: 5-23-2018
Initial Hearing: 6-27-2018

New Case

Count 1: Ductless AC units installed without the benefit of a permit.

Count 2: Metal fence was installed and a new structure is being built in the rear side of the property without the benefit of a HARC certificate of appropriateness. **Count 3:** Two ductless AC units were installed without the benefit of inspections. **Count 4:** Significant alterations were made to the deck at the subject property without the benefit of applying and obtaining the required HARC certificate of appropriateness.

The respondent did not attend the hearing. There was good service. Officer Jorge Lopez gave testimony that a Stop Work Order was placed. They have come in and got a permit for the a/c and fence. A survey is needed for the permit. There is no permit applied for the deck. The city is requesting a finding of the violations for all counts on this active case. The Special Magistrate stated there was proper notice. The city is requesting a finding of all the violations, \$250 administrative costs and a fine of \$250 per count per day if not in compliance within 60 days. The Special Magistrate found there is a violation, the administrative costs are \$250 with a fine of \$250 per day per count for four counts with compliance on August 27, 2018 with the hearing date on August 29, 2018.

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Case # 18-649

Adventure Amusements

Thomas Means

1514 Bertha Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Jorge Lopez

Certified Service: 5-10-2018

Initial Hearing: 6-27-2018

Repeat Violation**In compliance ; Request a Finding of Violation with fees and suspended fine**

Count 1: Subject business owner has not renewed their license which expired 30 Sept 2017. This is a repeat violation - Case# 16-544.

Respondent did not attend hearing. The Special Magistrate stated they are in compliance with the city requesting finding of violation with fees and suspended fine. Officer Jorge Lopez stated the city is requesting a finding of violation as a repeat and a suspended fine of \$500 with administrative costs of \$250. There was proper notice and the respondent is not present. The Special Magistrate finds there is a repeat violation with a cost of \$250 with a suspended fine of \$500 because of the repeat violation.

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Case # 18-675

Victor & Cynthia Mills

1202 White Street

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

Sec. 14-325 Permit required

Sec. 14-262 Request for inspection

Officer Jorge Lopez

Certified Service: 6-6-2018

Initial Hearing: 6-27-2018

Continuance has been granted to 26 Sept 2018

Count 1: Failure to obtain all required permits for drywall work and ceiling work. **Count 2:** Failure to obtain mechanical permits for the HVAC system installation. **Count 3:** Failure to obtain all required inspections.

The Special Magistrate granted the request to continue this case to 26 Sept 2018.

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Case # 18-676

David Bootle - Musician

Mangoes Restaurant, LLC

Daniel Dingeman - Registered Agent

700 Duval Street

Sec. 26-192 Unreasonably excessive noise prohibited

Officer Jorge Lopez

Certified Service: 5-16-2018 - Musician

5-17-2018 - Registered Agent

Initial Hearing: 6-27-2018

New Case**Count 1:** Performed a sound reading of 96.8 DBC on 10 May 2018.

The GM was informed of the outcome of the reading and was asked to turn down the music. The subject property had been previously warned on 7 Feb 2018.

Van Fischer, Attorney, represented the respondents. Ron Ramsingh for the City. Officer Jorge Lopez gave testimony that a sound check was done and they were found to be in violation at 96.8 decibels. They were given a warning in a previously case. Mr. Ranmsingh asked Officer Lopez if he brought the calibration for the sound machine today and he stated yes. Mr. Fischer stated his clients accept that they were over the limit. Mangoes and Mr. Bootle take this seriously, and new policies and procedures have been instituted to avoid this issue in the future. Ron Ramsingh stated they are not contesting the violation. The city is requesting \$250 administrative cost and \$250 fine with a finding of the violation. The Special Magistrate stated there is an admission of the violation with a cost of \$250 and a fine of \$250. It will be a total of \$500.

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Case # 18-727

Ezmirly D Shirlee Rev Inter Vivos TR
532 Fleming Street
Sec. 110-292 Failure to achieve a compliance agreement
Officer Jorge Lopez
Certified Service: 6-5-2018
Initial Hearing: 6-27-2018

New Case

Count 1: Failure to achieve compliance regarding a settlement agreement with Karen DeMaria of Urban Forestry.

This case was dismissed by the City.

Adjournment

Note

Note