



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Code Compliance Hearing

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Wednesday, January 31, 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 # 17-1273**

St. James Missionary Baptist Church - Trustee

Derrick Anderson Church Trustee

2007 Staples Avenue

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

Sec. 108-677 Parking and storage of certain vehicles

Officer Bonnita Badgett

Certified Service: 12-18-2017

Initial Hearing: 1-31-2018

**New Case****Request dismissal of Count 1 - Sec. 26-126**

**Count 1:** For failure to maintain the property. Recycle bin is contaminated with plastic has water and a cat litter plastic container floating in it, yard debris between two vehicles and the property needs to be mowed and cleaned up of garbage. **Count 2:** All vehicles require current tags. There are two vehicles with expired tags.

Derrick Anderson attended the hearing. Officer Badgett stated that the property was in compliance with count 1 and requested that this count be dismissed which was granted by the Special Magistrate. She also stated that the two vehicles that are on the property still do not have current tags. Mr. Anderson stated that the black vehicle belongs to a member of the church and they have been trying to get him to move it and if it isn't, the church will have it towed. The van belongs to the church. He has been pastor for three years and the van has been sitting for four. They don't want to sell it so they are going to get it fixed. The Special Magistrate found that there is a violation through admission. He imposed costs of \$250 and a fine of \$150 per day, as requested by the code officer, if compliance is not obtained by February 27, 2018. A compliance hearing will be held on February 28, 2018.

2

**Case # 17-1369**

RCJB Properties, Inc.

3401 Flagler Avenue

Sec. 62-2 Obstructions

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

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

Officer Bonnita Badgett

Certified Service: 12-29-2017

Certified Service: 1-4-2018 - Amended Notice

Initial Hearing: 1-31-2018

**New Case****Counts 1 and 2 are in compliance - request dismissal**

**Count 1:** For failure to remove the large fallen tree that is obstructing the sidewalk and blocking the line of sight. **Count 2:** For failure to maintain the area between the property line and adjacent roadway from debris and trash. **Count 3:** For failure to remove tree debris and trash from the property.

Officer Badgett stated that the new owner, Richard Barthelemy, had been in contact with her and he stated that he would get the property cleaned. The root ball had been removed from the right of way between Christmas and New Year's day. He had a crew coming on January 30th to clean up the lot. When they arrived, the City was pouring concrete for a new sidewalk. The crew was able to clean up the lot, but the root ball could not be picked up. Mr. Barthelemy sent an email asking for two weeks to completely clear off the property. The Special Magistrate granted that request and continued the case to February 28, 2018.

3

**Case # 17-1509**

The Bank of New York as Trustee for  
The Benefit of The CWABS, Inc.  
3402 Eagle Avenue

~~Sec. 122-1185 Swimming Pools~~ **Dismissed**

Sec. 26.32 Nuisances illustrated

Officer Bonnita Badgett

Certified Service: 12-8-2017

Initial Hearing: 12-20-2017

**Continued from December 20, 2017 for compliance**

~~Count 1: For failure to repair the gate to the pool with a self-closing and self-latching device to prevent accessibility to small children.~~ **Count 2:**

For failure to maintain the yard which is overgrown, tree debris is everywhere and the pool has black water and may be breeding mosquitoes.

**Officer Badgett stated that the property is still overgrown and the pool water is still black. The Special Magistrate imposed the fines of \$250 per day that was announced at the hearing on December 20, 2017.**

4

**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 November 15, 2017 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.

Brett Smith attended the hearing. He stated that they have filed a Motion for Stay of this courts previous ruling which was subsequently appealed with respect to counts 1 through 3. Also, we are asking for an extension on count 5. Hired Jim Reynolds and Kevin McChesney. Jim is doing the plans in case the appeal for the statute of limitations is denied, the plans will be ready. Kevin is doing the work as to count 5. Permit was applied for on the 22nd, not issued yet, and there is about a days work. Mr. Ramsingh stated that we agree to a 30 day continuance for compliance because they have shown due deligence to get the permits for count 5. Counts 1, 2 and 3 are really the crux of the violation where we have life safety concerns. We are not williing to agree to stay of the running of the fines until those life safety concerns are addressed. A 30 day continuance would be fair to come up with an inspection schedule to possibly agree to a stay, but not until inspections can be done. The Special Magistrate continued the compliance date for count 5 to February 28th, counts 1 through 3 is also continued to February 28th along with the Motion for Stay.

**5**

**Case # 17-101**

Jeffrey L Smith

1601 Government Road

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

Officer Sophia Doctoche

Certified Service: 11-16-2017

Initial Hearing: 12-20-2017

**In compliance January 23, 2018, request dismissal**

**Count 1:** For failure to obtain a building permit for the 6' fence.

**The request to dismiss this case was granted by the Special Magistrate.  
Compliance was obtained on January 23, 2018.**

6

**Case # 17-1028**

Poinciana Park Partners, LLP - property owner

Jean Prophete Senat - mobile home owner

1300 15th Court Lot 1

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

Officer Sophia Doctoche

Certified Service: 8-28-2017 - property owner

Certified Service: 8-21-2017 - mobile home owner

Initial Hearing: 10-18-2017

**Continued from November 15, 2017 for compliance****Count 1:** For failure to a building permits to replace wallboard in the enclosure on the porch.

Jean Prophete Senat attended the hearing along with a translator, Emilio. Erwin Mayer, owner of Poinciana Park, also attended. Officer Doctoche stated that this case was continued from November 15th for compliance. No permits have been pulled. Mr. Senat stated that he found three contractors. Two of them stated that they don't work on trailers and third stated that the job was too little and that he is still looking for someone to do the job. The Special Magistrate asked if he is looking for a continuance? Emilio stated that Jean is still looking and also has a friend looking. The Special Magistrate asked the city about the continuance. Officer Doctoche stated that she was going to ask for fines of \$250 daily fines since this has been continued. The Special Magistrate granted Mr. Senat to February 28th and stated that this will be the last continuance. Mr. Mayer stated that the structure was built without his approval, he issued a violation notice to him. He's regulated under Florida Statute 723 and the only remedy he has is to evict him from the park, the mobile home, everything.

7

**Case # 17-1293**

Marie Delus

Poinciana Park Partners, LLP

1300 15th Court Lot 11

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

Officer Sophia Doctoche

Certified Service: 10-16-2017 - Marie Delus

Initial Hearing: 11-15-2017

**Continued from November 15, 2017 for compliance****Count 1:** Construction of an addition to the subject property without benefit of required permits.

Marie Delus attended the hearing along with her son Evans who will be interpreting for her. Erwin Mayer, the park owner, also attended. Officer Doctoche stated that this case was continued from November 15th for compliance. The structure is still there and no permits have been applied for. Ms. Delus stated that the covered porch has always been there, they have a survey showing it and is not in compliance for enclosing it but the enclosure was there. A contractor advised to request a continuance because there is a difference in price depending on what has to be done. They have proof that the structure has been there since 1991. Officer Doctoche stated that she was out there in 2017 in October. In her evidence package from March 2013, you can see that the enclosure did not exist. This is not about the roof over the porch, it's about the enclosed room. The Special Magistrate asked the City about a 30-day continuance which the City did not object to. Jim Young requested the City get a copy of the documents that the gentleman has which was agreed to. The next hearing will be held on February 28, 2018.



8

**Case # 17-1312**

George &amp; Leonor Pallas

1125 Washington Street

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions - Counts 1 & 2Sec. 66-87 Business tax receipt required for all holding themselves out to  
be engaged in business - Count 3 & 4

Sec. 90-363 Certificate of Occupancy - required - Counts 5 &amp; 6

Sec. 58-61 Determination and levy of charge - Counts 7 &amp; 8

Officer Sophia Doctoche

Certified Service: 11-17-2017

Initial Hearing: 12-20-2017

**Continuance granted to March 28, 2018**

**Counts 1 & 2:** For failure to obtain a building permit for converting the property from 3 units to 5 units. **Counts 3 & 4:** For failure to obtain a business tax receipt for units 4 and 5. **Counts 5 & 6:** For failure to obtain a certificate of occupancy for unit 4 and for unit 5. **Counts 7 & 8:** The subject property has 3 utility accounts associated with the property. The accounts do not reflect the 2 unrecognized units.

This case was previously granted a continuance to March 28, 2018 by the Special Magistrate.

9

**Case # 17-1393**

1026 Whitehead LLC

1026 Whitehead Street

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

Sec. 26-31 Offensive and nuisance conditions prohibited

Officer Sophia Doctoche

Certified Service: 12-1-2017

Initial Hearing: 12-20-2017

**In compliance January 25, 2018, request dismissal**

**Count 1:** For failure to remove the debris from the property and not placing the trash bins out for pickup. **Count 2:** Failure to maintain all substances that may cause a foul odor.

The request to dismiss this case was granted by the Special Magistrate. Compliance was obtained on January 25, 2018.

10

**Case # 16-917**

Phillip &amp; Patsy Amsterdam - Property Owner

512 Caroline Street

Sec. 18-601 License required.

Sec. 90-363 Certificate of occupancy - Required.

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

Officer Leonardo Hernandez

Certified Service: 12-15-2016 - Property Owner

Certified Service: 12-15-2016 - Registered Agent

Initial Hearing: 1-25-2017

**In compliance January 24, 2018, request dismissal**

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

**The request to dismiss this case was granted by the Special Magistrate. Compliance was obtained on January 24, 2018.**

11

**Case # 16-1028**

Phillip &amp; Patsy Amsterdam - Property Owner

511 Caroline Street

Sec. 18-601 License required.

Sec. 90-363 Certificate of occupancy - Required.

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

Officer Leonardo Hernandez

Certified Service: 12-15-2016 - Property Owner

Certified Service: 12-15-2016 - Registered Agent

Initial Hearing: 1-25-2017

**In compliance January 24, 2018, request dismissal**

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

**The request to dismiss this case was granted by the Special Magistrate. Compliance was obtained on January 25, 2018.**

12

**Case # 17-1261**

Redmarq Homes LTD Co.

James Lewis Redmond -

Marcel, Milan &amp; Dominika Kozak - property owners

1501 Truman Avenue Down Rear

Sec. 18-118 Acts declared unlawful

Sec. 18-157 Employment of unlicensed persons prohibited

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

Sec. 14-40 Permits in historic districts

Sec. 14-235 Permits required

Sec. 14-327 Inspection

Sec. 14-261 Failure to obtain

Sec. 14-262 Request for inspection

Officer Leonardo Hernandez

Certified Service: 12-6-2017 - property owners

Certified Service:

Initial Hearing: 1-3-2018

**Continuance granted to March 28, 2018**

**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.

**This case was previously granted a continuance to March 28, 2018 by the Special Magistrate.**

13

**Case # 17-1598**

Gold Empire USA LLC - Business

Nir Chen - Registered Agent

518 Duval Street

Sec. 18-705 Requirements of permit holder (2)

Officer Leonardo Hernandez

Certified Service: 1-4-2018 - business

Certified Service: 1-4-2018 - registered agent

Initial Hearing: 1-31-2018

**Settlement Agreement**

**Count 1:** On December 7, 2017, a routine inspection was done finding the business in violation of not having a sale price on multiple displayed items for sale as required. Follow up inspections were done of December 22, 2017 and December 28, 2017 with the same result.

The Special Magistrate was presented with a Settlement Agreement which he approved. The Respondent stipulates to the imposition of the Administrative Cost in the amount of \$250 and a suspended fine of \$500.

14

**Case # 17-1673**

Key Home Investors LLC - Property Owners

c/o The Mack Company

The Home Depot Inc. #6313 - Business

Maintenx International Service Management - Code Violator

2811 N Roosevelt Boulevard

Sec. 26-31 Offensive and nuisance conditions prohibited

Sec. 26-32 Nuisances illustrated

Officer Leonardo Hernandez

Certified Service: 1-9-2018 - property owners

Certified Service: 1-3-2018 - business

Certified Service: 1-2-2018 - code violator

Initial Hearing: 1-31-2018

**In compliance January 9, 2018, request dismissal**

**Count 1:** The restrooms inside home depot are posted as closed due to a sewer pump issue. The porta potties located outside are leaking, the handicap porta potty has a sign that it is out of order and the smell is obnoxious. **Count 2:** The porta potties are not being maintained to prevent them from leaking. A follow-up inspection showed that the nuisance had worsened.

**The request to dismiss this case was granted by the Special Magistrate. Compliance was obtained on January 9, 2018.**

15

**Case # 16-773**

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

Posted: 8-10-2017

Initial Hearing: 8-30-2017

**Continued from October 18, 2017**

**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.

Officer Langford stated in June of 2016, the rear structure was being advertised for rental. Brittany, Mr. Delgado's daughter, was the one advertising. The structure has been there. Mr. Delgado passed away and the property is in probate. The house is occupied by the daughter, Brittany Delgado. Ginny Stones is the personal representative of the estate. Mr. Ramsingh suggested that we postpone the case to next month and see if we can have Ginny attend the next hearing which the Special Magistrate agreed to.

16

**Case # 16-1570**

Robert Reilly

Nicola Roques

1535 5th Street

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

FBC 1612.4 Flood Hazard Construction &amp; ASCE 24-05 Unprotected Enclosed Below Design Flood Elevation

Sec. 122-238 Dimensional requirements. Paragraph 6, Section a.

Single-family

Officer Beau Langford

Certified Service: 10-16-2017

Initial Hearing: 11-15-2017

**Continued from November 15, 2017**

**Count 1:** Construction of a new one room structure and roof structural changes to the original house have been made without the benefit of required permits. **Count 2:** Did install, or installing or allowed to be installed, an inhabitable structure within a FEMA designated AE-8 flood zone, below the minimum required elevation deemed necessary for flood damage prevention. **Count 3:** One room structure is currently being built within the rear setback of the property and possibly on top of a 10' utility easement.

**Robert Reilly attended the hearing. He admitted to the violation and requested a 60-day continuance to obtain the building permits. He had been working with Ron Wampler who requested structural drawings and pictures. The Special Magistrate found Mr. Reilly in violation, through admission, and imposed costs of \$250. Also imposed is a fine of \$250 per day, per count (3 counts) if compliance is not obtained by March 27, 2018. A compliance hearing will be held on March 28, 2018.**



17

**Case # 17-967**

Overtown Public Assistance Trust #9

c/o Mary E Shirley

827 Emma Street 1/2

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

Officer Beau Langford

Certified Service: 12-20-2017

Initial Hearing: 1-31-2018

**In compliance January 30, 2018, request dismissal**

**Count 1:** For failure to obtain a business tax receipt to rent this property non-transiently.

The request to dismiss this case was granted by the Special Magistrate. Compliance was obtained on January 30, 2018.

18

**Case # 17-1023**

Fish Sean

Sean Williams

1801 N Roosevelt Blvd

Sec. 66-102 Dates due and delinquent; penalties

Officer Beau Langford

Certified Service: 12-1-2017

Initial Hearing: 1-31-2018

**In compliance January 31, 2018, request dismissal**

**Count 1:** For failure to renew business tax receipt # 24065 for Fish Sean.

The request to dismiss this case was granted by the Special Magistrate. Compliance was obtained on January 31, 2018.

19

**Case # 17-1317**

Mark Hunt

1020 Eaton Street

Sec. 18-601 License required - Counts 1 - 7

Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations - Counts 8-10Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations (d)(9) - Counts 11 - 17

Officer Beau Langford

Certified Service: 11-8-2017

Certified Service: 11-21-2017 - Amended Notice

Initial Hearing: 12-20-2017

**Settlement Agreement**

**Counts 1 through 7:** For renting the property transiently without the benefit of a transient license from 23 Oct 2017 to 30 Oct 2017. **Counts 8 through 10:** The subject property owner is holding out/advertising for short term rentals without the benefit of the required city, county and state licensing. The subject property does not have a transient medallion. The subject property has not been inspected by the Fire Department. **Counts 11 through 17:** The subject property owner is holding out for transient rental for 7 nights; dates of 30 Oct 2017 through 6 Nov 2017 for a total of \$5,500.00.

The Special Magistrate was presented with a Settlement Agreement which he approved. The Respondent stipulates to the imposition of Administrative Costs in the amount of \$250, a fine of \$500 and to pay the proceeds of \$2,100 for a total amount of \$2,850.00. The Respondent also agrees to a suspended fine of \$4,500.

20

**Case # 17-846**

A Modern Romance

Eric Baker

Mobile Vendor

Sec. 66-102 Dates due and delinquent; penalties

Officer Gerald Leggett

Certified Service: 1-3-2018

Initial Hearing: 12-20-2017

**In compliance January 30, 2018, request dismissal**

**Count 1:** The business tax receipt for A Modern Romance expired 30 Sept 2016.

The request to dismiss this case was granted by the Special Magistrate. Compliance was obtained on January 30, 2018.

21

**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

**Continuance granted to April 25, 2018**

**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.

This case was previously granted a continuance to April 25, 2018 by the Special Magistrate.

22

**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 - property owner

Initial Hearing: 12-20-2017

**Continued from December 20, 2017**

**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.

Erwin Mayer attended the hearing. Officer Lopez stated that the City received a complaint that an addition had been added to the mobile home without permits. Met with Jean, the mobile home owner who let me see the inside of the structure. Also requested building permits. The City does not have any permits on record for this structure. Mr. Mayer stated that he is not the owner of the mobile home, he is the owner of the mobile home park. He also stated that when he purchased the park in 1993, when he acquired the mobile home, the structure was there. He has affidavits from residents that the structure was there in 1993. He requested permits from the Building Department, and has it in writing, that they do not keep permits or records of any kind more than seven years. Mr. Ramsingh stated that the property owner is responsible for anything that is not mobile. The Special Magistrate stated that improvements can be hidden for a number of years but once discovered, it has to be remedied if it is not properly permitted. Mr. Mayer stated there are no records for this. The Special Magistrate stated that he doesn't know of anywhere in the code that allows permanent structures to mobile homes. Mr. Mayer said that he was incorrect, the City of Key West issued permits to attach structures to mobile homes and they stopped when he cited the Florida Installation code. I can show City issued permits. When the mobile home park was purchased, a call was made to the City to ask if there were any outstanding code violations. An inspector came out and when they walked around, everything was in order. The Special Magistrate stated that this is a safety issue, how does he know that the codes have been met; electrical, plumbing? Mr. Mayer stated that all he can say is that this structure was properly permitted. The Special Magistrate asked if he has asked the home owner to inspect the property? The Special Magistrate asked what the City wanted. Officer Lopez asked for \$250 costs and \$250 per day, per count if not in compliance in 30-days to submit the applications. Mr. Mayer asked to enter evidence, including surveys that the structure was there in 1993. The Special Magistrate continued this case to February 28th so the parties can get together and go over any documents that you have.

23

**Case # 17-1396**

Marcia Rock

1331 Duncan Street

Sec. 26-192 Unreasonably excessive noise prohibited

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

Sec. 14-261 Failure to obtain

Sec. 14-262 Request for inspection

Officer Jorge Lopez

Certified Service: 1-4-2018

Initial Hearing: 1-31-2018

**New Case****Request dismissal of Counts 2, 3 and 4, Sections 14-37, 14-261  
and 14-262**

**Count 1:** The city received a complaint of disturbing noise. Officer could hear the loud music inside the complainant's house. **Count 2:** For failure to obtain a permit for installation of a Jacuzzi. **Count 3:** For failure to obtain an electrical permit for the Jacuzzi. **Count 4:** For failure to obtain the required inspections for the Jacuzzi.

Barbara Napoles, a friend of Marcia Rock, attended the hearing. Officer Lopez stated that the city received a complaint from Mr. Sangermano about the loud music. He responded to the complaint and spoke to Mike, a tenant. Ms. Napoles requested a continuance so that they can hire an attorney. Mr. Ramsingh stated that the complaining party is here and has travel issues and would like to have Ms. Napoles here and maybe the issues that the City perceives could be addressed by next month. Vinnie Sangermano was called to testify. He told his story about the loud music and issues with these tenants. Mr. Ramsingh stated at this point he would like to postpone the hearing to February 28th which the Special Magistrate agreed with.

24

**Case # 17-1554**

Far Beauty LLC  
Aviv Shumel - Registered Agent  
211 Duval Street A  
Sec. 18-415 Required - **Repeat Violation**  
Officer Jorge Lopez  
Certified Service: 12-11-17  
Initial Hearing: 1-31-2018

**Settlement Agreement**

**Count 1:** On November 29, 2017, an employee (Ashtar Nofar) from the subject store was observed off premise canvassing a passerby in front of the store. On November 30, 2017, an employee (Romeo Maldini) from the subject store was observed off premise canvassing a passerby in front of the store. On December 6, 2017, an employee (Ofri Navon) from the subject store was observed off premise canvassing a passerby in front of the store. These are repeat violations referencing case numbers 16-1451, 17-483 and 17-811.

**The Special Magistrate was presented a Settlement Agreement which he approved. The Respondent stipulates to the imposition of the Administrative Cost in the amount of \$250 and a fine of \$500.**

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**Case # 17-1561**

E & M Imports Inc.  
Eliran Damri - Registered Agent  
120 Duval Street 122  
Sec. 18-441 Required  
Officer Jorge Lopez  
Hand Served: 12-4-2017  
Initial Hearing: 1-31-2018

**Continuance granted to March 28, 2018**

**Count 1:** On November 23, 2017, Code received a photograph and a video showing an employee (Nataliya Shkurat) from the subject business actively off premise canvassing in front of the store.

**This case was previously granted a continuance to March 28, 2018 by the Special Magistrate.**

26

**Case # 17-1639**

Jose Freire

1202 Packer Street Down

Sec. 26-192 Unreasonable excessive noise prohibited

Officer Jorge Lopez

Hand Served: 12-15-2017

Initial Hearing: 1-31-2018

**In compliance January 23, 2018, request dismissal**

**Count 1:** Responding to a noise complaint on November 30, 2017, entered complainant's house (Mr. Mendoza) and could hear the loud footsteps and loud music. Jose Freire was given a warning. On December 14, 2017, responded to another noise complaint at 9:25 pm and recorded the loud music and loud footsteps.

**The request to dismiss this case was granted by the Special Magistrate. Compliance was obtained on January 23, 2018.**

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**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 Kenneth JW Waite

Certified Service: 5-16-2017

Initial Hearing: 7-26-2017

**Continued from December 20, 2017**

**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.

Paul Figg attended the on behalf of AIRBNB. Mr. Figg asked if the Special Magistrate was simply executing the subpoenas or are we having a hearing on the applications for the subpoenas? The Special Magistrate stated that he is just executing them and does Mr. Figg was a hearing on the subpoenas? Mr. Figg stated that we a a due process right notice an opportunity to be heard. The Special Magistrate stated that a Motion to quash was filed on the previous one, right? I read the motion and these are superseding that. Mr. Figg said that if you are simply executing the subpoenas with having a hearing on the applications then you haven't done what is necessary to cure a Sunshine Law violation. The Special Magistrate didn't think that there is a Sunshine issue. Mr. Ramsingh? To purge even an appearance of a possible taint is why we submitted a new application to be executed today at the hearing. Chapter 162 provides that Code Hearings in general are notice of opportunity to be heard. Certainly Mr. Figg has had notice of these subpoenas which in content are the same as what was being applied for before. 162 gives you the sole authority to execute subpoenas. They will bear relevant information to the prosecution of these cases. Mr. Figg said that he has not received the new applications that were submitted which is essentially the problem as the first applications. The Special Magistrate asked why they would be any different than any other subpoenas that was issued. You have the ability to quash. Mr. Figg said that they are extremely overbroad and do I do that by a motion to quash again? Mr. Ramsingh said the rules of civil procedure to not apply to quasi-judicial code hearings. It is not circuit court or county court. Mr. Figg asked what the charges are against AIRBNB. What are we alleged to be? The Special Magistrate said that they are all directed to AIRBNB and that they all are going to go to you. Mr. Figg asked to submit one thing because there is no way and AIRBNB can be any of those things listed. The Special Magistrate stated that we are not going to argue that case. I just signed the subpoenas. Mr. Figg said he is objecting to the scope of the subpoenas and hearing on the applications. Mr. Ramsingh asked to have an opportunity to give him the subpoenas. The Special Magistrate said that once the subpoenas have been copied, we'll call it out of order. Mr. Ramsingh: for the record I have subpoenas for every case that is on the docket for AIRBNB which were executed today in an open meeting



and are returnable at the next hearing and if it's the desire of AIRBNB to respond so we can get to the merits and to respond at least a week before the next hearing.

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**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 Kenneth JW Waite

Certified Service: 5-16-2017

Initial Hearing: 7-26-2017

**Continued from December 20, 2017**

**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.

See case # 17-710

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**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 Kenneth JW Waite

Certified Service: 5-22-2017

Initial Hearing: 7-26-2017

**Continued from December 20, 2017**

**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.

See case # 17-710

30

**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 Kenneth JW Waite

Certified Service: 5-22-2017

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

Initial Hearing: 7-26-2017

**Continued from December 20, 2017**

**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.

**See case # 17-710**

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**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 Kenneth JW Waite

Certified Service: 5-22-2017

Initial Hearing: 7-26-2017

**Continued from December 20, 2017**

**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.

See case # 17-710

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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 Kenneth JW Waite

Certified Service: 11-15-2017 Amended Notice

Initial Hearing: 7-26-2017

**Continued from December 20, 2017**

**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

See case # 17-710

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**Case # 17-1478**

Brookwood, LLC

c/o Dan Marrin

1216 Watson Street

Sec. 18-601 License required - Count 1 of 9 - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations - Count 2 of 9 - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations - Counts 3 through 9 - **Repeat Violation**

Officer Kenneth JW Waite

Certified Service: 11-21-2017

Initial Hearing: 12-20-2017

**In compliance, request dismissal**

**Count 1:** For holding the property out for transient rental on vrbo.com/497773 without the benefit of a transient license. **Count 2:** The subject property owner is holding out/advertising for short term rental without the benefit of the required city, county and state licensing. The subject property does not have a transient medallion and has not been inspected by the Fire Department. **Counts 3 through 9:** The subject property owner is holding out for transient rental for 7 nights the dates of 1 Dec 2017 through 8 Dec 2017 for a total of \$6,758.00.

**The request to dismiss this case was granted by the Special Magistrate. Compliance was obtained on January 17, 2018.**

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**Case # 17-1527**

Michael &amp; Lynda Kopecki

1111 South Street

Sec. 18-601 License required - Count 1

Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations - Count 2Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations (d)(9) - Counts 3 - 9

Officer Kenneth JW Waite

Certified Service: 12-19-2017

Initial Hearing: 1-31-2018

**In compliance December 12, 2017, request a Finding of Violation without fees or fines**

**Count 1:** Subject property is being held out on www.vrbo.com for short term rentals without the benefit of a transient license. **Count 2:** The subject property owner is holding out/advertising for short term rental without the benefit of the required city, county and state licensing. The subject property does not have a transient medallion and has not been inspected by the City of Key West Fire Department. **Counts 3 through 9:** The subject property owner is holding out for transient rental for 7 nights the dates of 2 Dec 2017 through 9 Dec 2017 for a total of \$6,535.00.

**The request for a Finding of Violation without fees or fines was approved by the Special Magistrate. This case was in compliance on December 12, 2017.**

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**Case # 17-1635**

Stephen M Tann

810 Terry Lane

Sec. 18-601 License required - Count 1

Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations - Count 2Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations (d)(9) - Counts 3 - 9

Officer Kenneth JW Waite

Certified Service: 1-4-2018

Initial Hearing: 1-31-2018

**In compliance January 16, 2018, request a Finding of Violation  
without fees or fines**

**Count 1:** Subject property is being held out on www.vrbo.com for short term rentals without the benefit of a transient license. **Count 2:** The subject property owner is holding out/advertising for short term rental without the benefit of the required city, county and state licensing. The subject property does not have a transient medallion and has not been inspected by the City of Key West Fire Department. **Counts 3 through 9:** The subject property owner is holding out for transient rental for 7 nights the dates of 1 May 2018 through 8 May 2018 for a total of \$1,067.46.

**The request for a Finding of Violation without fees or fines was approved by the Special Magistrate. This case was in compliance on January 16, 2018.**

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**Case # 17-253**

National Field Network  
c/o Donna Chieco, Violations Department  
3514 Duck Avenue  
Sec. 26-126 Clearing property of debris and noxious material required  
Sec. 26-127 Periods for mowing and removal of debris  
Officer Jim Young  
Certified Service: 12-8-2017  
Initial Hearing: 12-20-2017

**Continued from December 20, 2017 for compliance**

**Count 1:** Failure to maintain the property. It is filled with weeds, is unkempt, vines are growing on the side and inside the house and there are large piles of leaves everywhere. The house is in disrepair. **Count 2:** Failure to mow and remove debris on a quarterly basis.

Jim Young stated that this case was continued from December 20, 2017 for compliance. It is not in compliance. The Special Magistrate imposed the fines announced at the hearing on December 20, 2017.

**HARC Appeals**

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**SMA 17-02**

Tropical Soup Corporation  
Joseph H. Walsh  
Pike Architects, Inc.  
Van D. Fischer, Esquire  
Mallory Square  
H17-03-0008

**Continued from August 30, 2017**

Van Fischer attended the hearing. Mr. Ramsingh stated he file a Motion to Temporarily Relinquish Jurisdiction for a Petition for Writ of Certiorari, that since he is seeking clarification from the court. What are the parameters of your order. If it is a simple reversal, typically it's with remand with particular instructions or it's a mandate to issue permits or something. Mr. Ramsingh does concede that the proposed order that was signed by the court was passed by my office. When reviewing it further I think it would have benefited the circuit court to know the exact parameters of the ruling. Mr. Fischer stated that the Motion to Dismiss basically covers it. Don't really agree with the City about remanding it back. There was never said at the hearing. The language in the order would be significantly different. The Special Magistrate continued this case to February 28th and would like someone to listen to the audio and to let him what exactly was said.

**Adjournment**