



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Wednesday, July 27, 2016

1:30 PM

Old 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 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

Call Meeting to Order

Code Violations

1

Case # 16-232

Charley Toppino and Sons

Frank Toppino

3840 N. Roosevelt Boulevard

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

Officer Bonnita Badgett

Certified Service: 7-5-2016

Initial Hearing: 7-27-2016

In compliance July 12, 2016, request dismissal

Count 1: For failure to obtain a permit for the parking lot that was repaved and striped.

The Special Magistrate granted the request to dismiss this case.

2

Case # 09-1501

Wells Fargo Bank, NA
c/o Select Portfolio Servicing
Choice Legal Group PA
908 Trinity Drive 4
Sec. 14-37 Building permits, professional plans, display of permits
Officer Peg Corbett
Certified Service:
Initial Hearing: 3-30-2016

Request continuance to August 31, 2016 for service

FYI: On May 10, 2011, Planning Department received a variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side and rear yard setback requirements. The variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission.

The construction of the accessory unit, if a permit was submitted, would not have been approved for the above reasons. This accessory unit must be demolished to bring this property into compliance.

Count 1: A demolition permit must be obtained to remove the accessory unit.

The Special Magistrate granted the request to continue this case to 31 Aug 2016 for service.

3

Case # 15-1207

Nailtini LLC
Edward Flynn Jr
817 Duval Street
Sec. 14-40 Permits in historic districts
Officer Peg Corbett
Certified Service: 5-13-2016
Initial Hearing: 7-27-2016

In compliance June 6, 2016, request dismissal

Count 1: Sign overhanging Duval does not have a HARC certificate of appropriateness or the requisite building permit. Permits are being withheld due to not having a revocable license.

The Special Magistrate granted the request to dismiss this case.

4

Case # 15-1327

Far Niente, LLC
Jack Spottswood, Registered Agent
416 Elizabeth Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-40 Permits in historic districts
Officer Peg Corbett
Certified Service: 2-18-2016
Initial Hearing: 3-30-2016

Continued from June 29, 2016 for compliance

Count 1: A fence in excess of 8' in height was built on the side and rear of the subject property without benefit of a building permit. **Count 2:** A fence in excess of 8' in height was built on the side and rear of the subject property without benefit of a certificate of appropriateness.

Richard McChesney represented Far Niente, LLC. Mr. Ramsingh stated that they had a discussion last week, they think they know what direction they will be taking for compliance and requested a continuance to August. The Special Magistrate granted the request to continue this case to 31 Aug 2016.

5

Case # 16-260

Michael J. McMahon

Blanche Stapleton

28 Seaside South Court

Sec. 18-601 - License required

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

Officer Peg Corbett

Certified Service:

Initial Hearing: 7-27-2016

Request continuance to August 31, 2016 for service

Count 1: Being held out/advertised for short term rental on AIRBNB without license. Notice of code violation was not accepted and property was posted on 31st day of May 2016. **Count 2:** Being held out/advertised without the property licensing and vetting by the city, state and county and without the required medallion. Does not have required fire inspection by the city of Key West Fire Department.

The Special Magistrate granted the request to continue this case to 31 Aug 2016 for service.

6

Case # 16-339

Tara Budzyn

904 James Street B&C

Sec. 18-601 License required

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

Officer Peg Corbett

Posted: 6-13-2016

Initial Hearing: 7-27-2016

New Case

Count 1: Being held out/advertised for short term rental on AIRBNB as per investigation without business tax receipt. Posted for Notice of Code Violation due to no service from the USPS. **Count 2:** Being rented for less than 30 days without the requisite stipulations and licensing.

Officer Corbett gave testimony and requested a finding of violation with Costs of \$250 and a fine of \$500 per count for a total of \$1,250 which was approved by the Special Magistrate. After the hearing, we received information that a fine of \$500 per count could not be imposed so the Findings was revised to reflect \$250 per count.

7

Case # 16-492

Sally 1008 LLC

Tony Willis - Registered Agent

1108 Duval Street D

Sec. 66-102 Dates due and delinquent; penalties

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

Officer Peg Corbett

Certified Service: 5-26-2016

Initial Hearing: 7-27-2016

In compliance June 22, 2016, request dismissal

Count 1: Transient medallion expired on 30 Sept 2015. **Count 2:** Expired transient medallion which was withheld at renewal due to no state licensing. Yearly fire inspection is required.

The Special Magistrate granted the request to dismiss this case.

8

Case # 16-493

Peter Sushka Living Trust

Mary Jane Abbitt Living Trust

411 B Emma Street F2

Sec. 66-102 Dates due and delinquent; penalties

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

Officer Peg Corbett

Certified Service: 6-27-2016

Initial Hearing: 7-27-2016

New Case

Count 1: Transient medallion expired on 30 Sept 2015. **Count 2:** Expired transient medallion which was withheld at renewal due to no state licensing. Yearly fire inspection is required.

Officer Corbett gave testimony and requested a finding of violation with Costs of \$250 and a fine of \$500 per count for a total of \$1,250 which was approved by the Special Magistrate. After the hearing, we received information that a fine of \$500 per count could not be imposed so the Findings was revised to reflect \$250 per count.

9

Case # 16-495

Oakland Park 13 LLC

John P. Wilkes - Registered Agent

726 Fleming Street

Sec. 66-102 Dates due and delinquent; penalties

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

Officer Peg Corbett

Certified Service: 5-9-2016

Initial Hearing: 7-27-2016

In compliance June 15, 2016, request Finding of Violation without fees and fines

Count 1: Transient medallion expired 30 Sept 2015. Previously cited for delinquent business tax receipt Case #15-595. **Count 2:** Expired transient medallion which was withheld at renewal due to no state licensing. Yearly fire inspection is required.

The Special Magistrate granted the request to find Oakland Park 13 LLC in violation and not impose any fees or fines.

10

Case # 16-500

William Wright Living Trust

1307 Laird Street

Sec. 66-102 Dates due and delinquent; penalties

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

Officer Peg Corbett

Certified Service: 7-11-2016

Initial Hearing: 7-27-2017

In compliance July 26, 2016, request dismissal

Count 1: Transient medallion expired on 30 Sept 2015. **Count 2:** Expired transient medallion which was withheld at renewal due to no state licensing. Yearly fire inspection is required.

The Special Magistrate granted the request to dismiss this case.

11

Case # 16-503

Ramon & Martha Myaing
512 Petronia Street R
Sec. 66-102 Dates due and delinquent: penalties
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations
Officer Peg Corbett
Certified Service: 7-5-2016
Initial Hearing: 7-27-2016

In compliance June 28, 2016, request dismissal

Count 1: Transient medallion expired on 30 Sept 2015. **Count 2:** Expired transient medallion which was withheld at renewal due to no state licensing. Yearly fire inspection is required.

The Special Magistrate granted the request to dismiss this case.

12

Case # 16-513

Norbert & Anne Fischer
3625 Seaside Drive 409
Sec. 66-102 Dates due and delinquent; penalties
Sec. 122-1371 Transient living accommodations in residential dwelling; regulations
Officer Peg Corbett
Certified Service: 6-3-2016
Initial Hearing: 7-27-2016

Continuance granted to August 31, 2016

Count 1: Transient medallion expired on 30 Sept 2015. **Count 2:** Expired transient medallion which was withheld at renewal due to no state licensing. Yearly fire inspection is required.

The Special Magistrate granted the request to continue this case to 31 Aug 2016.

13

Case # 16-528

Steven & Sonia Blais

257 Southard Street

Sec. 66-102 Dates due and delinquent; penalties

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

Officer Peg Corbett

Certified Service: 6-25-2016

Initial Hearing: 7-27-2016

In compliance July 22, 2015, request dismissal

Count 1: Transient medallion expired on 30 Sept 2015. **Count 2:** Expired transient medallion which was withheld at renewal due to no state licensing. Yearly fire inspection is required.

The Special Magistrate granted the request to dismiss this case.

14

Case # 16-556

Richard & Betsy Naselli

1209 Packer Street

Sec. 18-601 License required

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

Officer Peg Corbett

Certified Service: 5-9-2016

Initial Hearing: 5-25-2016

Settlement Agreement

Count 1: Code Director and Officer Waite conducted a site visit on 3 May 2016 and met with the tenants. They were advised by the tenants that they had obtained a rental agreement from the property owner for a stay of 4 nights for a total of \$3250.25. Tenants forwarded the rental agreement to the transient code officer on 4 May 2016. The subject property does not have the required transient rental license. **Count 2:** The subject property is being transiently rented without the benefit of the required vetting outlined in this city ordinance.

The Special Magistrate was presented a Settlement Agreement which he approved. The Respondents stipulate to the imposition of the Administrative Costs in the amount of \$250 and the return of the rental proceeds of \$3,250 which was paid for the occupancy of subject unit. An irreparable fine in the amount of \$5,000 will be imposed for a total of \$8,500 in fines. In addition, a suspended fine of \$40,000 for each of the irreparable counts for the eight separate rental agreements which were received as a result of a subpoena duces tecum will be imposed for a total of \$40,000 in suspended fines.

15

Case # 16-570

Jane Fenwick-Goodwin

1124 Margaret Street

Sec. 66-102 Dates due and delinquent; penalties

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

Officer Peg Corbett

Posted: 6-9-2016

Initial Hearing: 7-27-2016

New Case

Count 1: Failure to renew medallion and transient license which expired 30 Sept 2015. **Count 2:** Failure to renew and transfer medallion and license to new owner after completion of requirements within the city ordinance.

The Special Magistrate granted the request to find Jane Fenwick-Goodwin in violation and not impose any fees or fines.

16

Case # 16-574

Charles B Hoffman

1420 Whalton Street

Sec. 18-601 License required

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

Officer Peg Corbett

Certified Service: 5-18-2016 - Notice of Hearing

Certified Service: 7-23-2016 - Amended Notice of Hearing

Initial Hearing: 7-27-2016

Repeat Violation**Continuance request was denied**

Count 1: Being held out for short term rental on TripAdvisor & FlipKey web sites without appropriate license. Previously cited and found in violation for same activity - Case #16-219. **Count 2:** Transiently renting and advertising without the proper vetting for state, county and city licensing and the requisite medallion.

The Special Magistrate granted the request to continue this case to 31 Aug 2016.

17

Case # 16-579

Left Shore LLC

Carol Pallen - Registered Agent

3910 South Roosevelt Boulevard S207

Sec. 18-601 License Required

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

Officer Peg Corbett

Certified Service:

Initial Hearing: 7-27-2016

Request continuance to August 31, 2016 for service

Count 1: Being held out/advertising on AIRBNB for short term rental without a business tax receipt. **Count 2:** Being rented short term without requisite city, state and county licensing. Has had no fire inspection. Has no medallion.

The Special Magistrate granted the request to continue this case to 31 Aug, 2016 for service.

18

Case # 16-588

Richard A & Betsy Naselli

1209 Packer Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwelling;
regulations

Officer Peg Corbett

Certified Service: 5-23-2016

Initial Hearing: 5-25-2016

Settlement Agreement**Count 1:** Being held out/advertising for short term rental without proper licensing. Second irreparable case. Prior case # 16-556.**Count 2:** Being rented for 30 days without requisite stipulations and licensing. **Count 3:** Transient rentals are not permitted in historic medium density residential zoning.

The Special Magistrate was presented a Settlement Agreement which he approved. The Respondents stipulate to the imposition of the Administrative Cost in the amount of \$250 and the return of rental proceeds of \$2,271.38 which was paid for the occupancy of subject unit. An irreparable fine in the amount of \$5,000 is also imposed for a total of \$7,521.38. In addition, a suspended fine of \$40,000 for each eight irreparable counts for the eight separate rental agreements which were received as a result of a subpoena duces tecum will be imposed for a total of \$40,000 in suspended fines.

19

Case # 16-717

Traci Totino
1800 Atlantic Boulevard B418
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations
Officer Peg Corbett
Certified Service: 6-6-2016
Initial Hearing: 7-27-2016

Settlement Agreement

Count 1: Being held out/advertised for transient rental on AIRBND without a transient rental license. Repeat violation case # 12-60.

Count 2: Being held out/advertised without proper city, state, and county licensing. Has not had a fire inspection. Does not have a medallion. Repeat violation - case # 16-20.

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 in the amount of \$1,000 for a total cost of \$1,250. In addition, a suspended fine of \$500 will be imposed.

20

Case # 16-782

Left Shore LLC
Carol Pallen - Registered Agent
3910 South Roosevelt Boulevard E209
Sec. 18-601 Licese required
Sec. 122-1371 Transient living accommodations in residential dwellings, regulations
Officer Peg Corbett
Posted: 7-12-2016
Initial Hearing: 7-27-2016

New Case

Count 1: Being held out/advertised for short term rental without a transient rental license. Cited for same violation - case # 16-579.

Count 2: Renting short term without the benefit of city, state and county licenses. Has not applied for or obtained a transient rental medallion and has not had a fire inspection.

Officer Corbett gave testimony and requested a finding of violation with Costs of \$250 and a fine of \$250 for a total of \$500.

21

Case # 16-793

Ronald Kaisen

1211 Catherine Street

Sec. 18-601 License required

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

Officer Peg Corbett

Certified Service:

Initial Hearing: 7-27-2016

Request continuance to August 31, 2016 for service**Repeat violation**

Count 1 & 2: Being held out/advertised for short term rental on AIRBNB and VRBO without obtaining a license. Two previous cases where findings of violation were issued. Entered into a settlement agreement in both cases. **Count 3 & 4:** Failure to provide city, state and county licensing. Does not have transient medallion and has not had a fire inspection. Repeat violations.

The Special Magistrate granted the request to continue this case to 31 Aug 2016 for service.

22

Case # 16-800

Left Shore LLC
Carol Pallen - Registered Agent
3920 South Roosevelt Boulevard N313
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations
Officer Peg Corbett
Posted: 7-12-2016
Initial Hearing: 7-27-2016

New Case

Count 1: Is being held out/advertised on AIRBNB for short term rental without business tax receipt. Carol Pallen (registered agent for Left Shore LLC) was previously cited for same - case #16-579 for Ocean Walk S207 unit. **Count 2:** Transiently renting without the benefit of all required city, state, and county licensing. Unit does not have transient medallion or fire inspection.

Officer Corbett gave testimony and requested a finding of violation with Costs of \$250 and a fine of \$250 for a total of \$500.

23

Case # 16-801

Left Shore LLC
Carol Pallen - Registered Agent
3920 South Roosevelt Boulevard N213
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations
Officer Peg Corbett
Posted: 7-12-2016
Initial Hearing: 7-27-2016

New Case

Count 1: Is being held out/advertised on AIRBNB for short term rental without business tax receipt. Carol Pallen (registered agent for Left Shore LLC) was previously cited for same - case #16-579 for Ocean Walk S207 unit. **Count 2:** Transiently renting without the benefit of all required city, state, and county licensing. Unit does not have transient medallion or fire inspection.

Officer Corbett gave testimony and requested a finding of violation with Costs of \$250 and a fine of \$250 for a total of \$500.

24

Case # 16-823

June K Waage
921 Whitehead Street
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations
Officer Peg Corbett
Certified Service:
Initial Hearing: 7-27-2016

**Request continuance to August 31, 2016 for service
Repeat Violation**

Count 1: Being held out/advertising on VRBO for short term rental without business tax receipt. Repeat violation - Ms. Waage signed a settlement agreement 17 Dec 2014 wherein she agreed to cease this activity - Case # 14-1489. **Count 2:** Being transiently rented without proper city, state and county licensing. Does not have transient medallion or yearly fire inspection. Repeat violation

The Special Magistrate granted the request to continue this case to 31 Aug 2016 for service.

25

Case # 14-1488

Sunrise at Seaside Condo Association
3625 Seaside Drive
FBC. 1612.4 (ASCE 24-05) Floor Hazard Construction
Officer Scott Fraser
Certified Service: 9-15-2015
Initial Hearing: 10-21-2015

Continued from January 27, 2016

Count 1: Unprotected enclosed structures below design flood elevation.

David Paul Horan represented Sunrise at Seaside Condo Assoc. Fema Coordinator Scott Fraser stated the notice was amended. Mr. Horan admitted to the violation and that there were 2 permits in process. Flood panels have to be designed and built and the lead time is about 16 weeks. Mr. Fraser requested a finding with fees which was approved by Magistrate Yates. The case was continued to 28 Sept 2016 for status.

26

Case # 16-239

Christopher Belland

Piper Smith

626 Grinnell Street

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

Sec. 14-40 Permits in historic districts

Officer Leonardo Hernandez

Posted: 5-18-2016

Initial Hearing: 5-25-2016

Continued from June 29, 2016**Count 1:** Notified on Mar. 11, 2016 of the requirements needed to
achieve compliance regarding the hurricane shutters at this property.

As of April 25, 2016, there has been no progress towards compliance.

Count 2: Notified on Mar. 11, 2016 of the requirements needed to
achieve compliance regarding the hurricane shutters at this property.

As of April 25, 2016, there has been no progress towards compliance.

**Officer Hernandez gave testimony and requested a finding of violation with
Costs of \$250 and a fine of \$250 per day starting 28 July 2016 which was
granted by the Special Magistrate.**

27

Case # 16-532

Truman Books & Video

Ms. Terry G. Galardi - Business Owner

Ms. Patricia Burnside - Register Agent

Mr. Michael L. Browning Trust 6.28.91 - Property Owner

922 Truman Avenue

Sec. 14-40 Permits in historic districts

Officer Leonardo Hernandez

Certified Service: 6-21-2016 - Business Owner

Certified Service: 6-22-2016 - Registered Agent

Initial Hearing: 7-27-2016

New Case**Count 1:** For failure to obtain a certificate of appropriateness for
exterior painting**The Special Magistrate granted the request to continue this case to 31 Aug
2016.**

28

Case # 16-623

Keynoter Publishing Company
1405 Duval Street
Sec. 62-176 Label required
Officer Leonardo Hernandez
Certified Service: 7-14-2016
Initial Hearing: 7-27-2016

In compliance July 18, 2016, request dismissal**Count 1:** Failure to have permit label affixed to news rack.**The Special Magistrate granted the request to dismiss this case.**

29

Case # 16-25

Konk Life
Guy deBoer
305 Duval Street
Sec. 62-180 Affixing label after issuance - **in compliance**
Sec. 62-184 Relocation - **in compliance**
Sec. 62-186 News rack mounting standards
Officer Beau Langford
Hand Served: 6-24-2016
Initial Hearing: 6-29-2016

Continued from June 29, 2016

Count 1: Konk Life news rack does not have the required permit affixed. **Count 2:** Konk Life news rack is not in it's assigned spot. **Count 3:** Konk Life news rack does not have the requisite base nor does it weigh 80 pounds.

The Special Magistrate granted the request to dismiss this case.

30

Case # 16-210

Konk Life
Guy deBoer
102 Duval Street
Sec. 62-180 Affixing label after issuance
Sec. 62-184 Relocation
Sec. 62-186 News rack mounting standards
Officer Beau Langford
Hand Served: 6-24-2016
Initial Hearing: 6-29-2016

In compliance July 13, 2016, request dismissal

Count 1: Konk Life news rack does not have the required permit affixed. **Count 2:** Konk Life news rack is not in it's assigned spot. **Count 3:** Konk Life news rack does not have the requisite base nor does it weigh 80 pounds.

The Special Magistrate granted the request to dismiss this case.

31

Case # 16-417

Jack & Jennifer Smith
1510 Johnson Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **in compliance**
Sec. 122-1183 Walls and fences
Officer Beau Langford
Certified Service: 5-10-2016
Initial Hearing: 6-29-2016

In compliance July 27, 2016, request dismissal

Count 1: For failure to obtain a building permit for the 6 foot fence that extends across the front of the property. **Count 2:** The fence that was built across the front of the property is a solid 6 foot fence which is not allowed.

The Special Magistrate granted the request to dismiss this case.

32

Case # 16-680

Bumble Bee Silver Co.
Conch Tee's & Souvenirs, Inc.
Pribramsky & Zuelch, registered agent
419 Greene Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Beau Langford
Certified Service: 6-3-2016
Initial Hearing: 6-29-2016

In compliance June 30, 2016, request dismissal

Count 1: The business tax receipt for Bumble Bee Silver Co. has been delinquent since 30 Sept 2015.

The Special Magistrate granted the request to dismiss this case.

33

Case # 16-683

Cynthia D Fairbanks
3408 Eagle Avenue
Sec. 66-102 Dates due and delinquent; penalties
Officer Beau Langford
Posted: 7-12-2016
Initial Hearing: 6-29-2016

In compliance July 13, 2016, request Finding of Violation without fees and fines

Count 1: The business tax receipt to rent this property has been delinquent since 30 Sept 2015.

The Special Magistrate granted the request to find Cynthia Fairbanks in violation and not impose any fees or fines.

34**Case # 16-685**

David Service Landscaping
1610 Patricia Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Beau Langford
Posted: 7-12-2016
Initial Hearing: 6-29-2016

In compliance July 18, 2016, request Finding of Violation without fees and fines

Count 1: The business tax receipt for David Service Landscaping has been delinquent since 30 Sept 2015.

The Special Magistrate granted the request to find David Service Landscaping in violation and not impose any fees or fines.

35**Case # 16-686**

Griffin's Nest LLC
James McQuade, registered agent
2431 Seidenberg Avenue
Sec. 66-102 Dates due and delinquent; penalties
Officer Beau Langford
Certified Service: 7-21-2016 - Ronald A Swogger
Initial Hearing: 6-29-2016

In compliance July 25, 2016, request Finding of Violation without fees and fines.

Count 1: The business tax receipt to rent this property has been delinquent since 30 Sept 2015.

The Special Magistrate granted the request to find Jonathan Fredin and Ronald Swogger in violation and not impose any fees or fines.

36

Case # 16-688

James E & Laura D Thornbrugh
2016 Roosevelt Drive
Sec. 66-102 Date due and delinquent; penalties
Officer Beau Langford
Posted: 7-8-2016
Initial Hearing: 6-29-2016

Repeat Violation**Continued from June 29, 2016**

Count 1: The business tax receipt to rent this property has been delinquent since 30 Sept 2015.

Officer Langford gave testimony and requested a finding of violation with Costs of \$250 and a fine of \$250 for a total of \$500.

37

Case # 16-689

Jorge Romero
2805 Flagler Avenue
Sec. 66-102 Dates due and delinquent; penalties
Officer Beau Langford
Certified Service: 6-20-2016
Initial Hearing: 6-29-2016

In compliance July 5, 2016, request Finding of Violation without fees and fines

Count 1: The business tax receipt to rent this property has been delinquent since 30 Sept 2015.

The Special Magistrate granted the request to find Jorge Romero in violation and not impose any fees or fines.

38

Case # 16-706

LIG Key West LLC

Mark Gaglis Messmore - Registered Agent

532 Duval Street 534

Sec. 66-102 Dates due and delinquent; penalties

Sec. 66-103 Transfer of license

Officer Beau Langford

Certified Service: 6-18-2016 - Registered Agent

Initial Hearing: 7-27-2016

In compliance July 27, 2016, request dismissal**Count 1:** Failure to renew license which expired 30 Sept 2015. **Count****2:** Failure to transfer business tax receipt to new business.**The Special Magistrate granted the request to dismiss this case.**

39

Case # 16-707

533 Duval Street Association, Inc.

Christian Zuelch - Registered Agent

533 Duval Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Beau Langford

Certified Service: 6-20-2016 - Registered Agent

Initial Hearing: 7-27-2016

In compliance July 13,2016, request dismissal**Count 1:** Failure to renew business license which expired 30 Sept 2015.**The Special Magistrate granted the request to dismiss this case.**

40

Case # 15-1359

Tropicar Inc.

Robert Ramey III - Registered Agent

1300 Duval Street

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

Sec. 14-40 Permits in historic districts

Officer Jorge Lopez

Certified Service: 4-23-2016

Initial Hearing: 5-25-2016

Continued from May 25, 2016

Count 1: Observed and photographed 2 signs installed on top of the roof without benefit of building permit. Records show you have applied for an after-the-fact permit on Nov. 3, 2015. The permit has not been issued due to the corrections needed and have not been corrected as of today. **Count 2:** HARC Dept. received an after-the-fact application not matching the description of the current signs at the subject property. This permit is still in call back due to corrections needed and have not been corrected as of today.

Officer Lopez gave testimony and requested a finding of violation with Costs of \$250 and a fine of \$250 per count for a total of \$750.

41

Case # 16-358

Frederick L & Diane Covan
1409 Albury Street 1
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-40 Permits in historic districts
Sec. 14-327 Inspections
Officer Jorge Lopez
Certified Service: 5-23-2016
Initial Hearing: 6-29-2016

In compliance July 3, 2016, request dismissal

Count 1: Renovations and changes on the exterior of this building were done without benefit of the required building permits including the HVAC units which are installed in the set back. **Count 2:** Renovations and changes on the exterior of this building were done without benefit of the required certificate of appropriateness including the HVAC units which are installed in the set back. **Count 3:** The HVAC system was installed without the required inspections.

The Special Magistrate granted the request to dismiss this case.

42

Case # 16-411

Patrick Ritter
Samantha O'Farrell
1707 Leon Street
Sec. 66-87 Business tax receipt required for all holding themselves out
to be engaged in business
Officer Jorge Lopez
Certified Service: 5-24-2016 - Ritter
Posted: 6-24-2016 - O'Farrell
Initial Hearing: 5-25-2016

Continued from June 29, 2016

Count 1: Subject property is being non-transiently rented without the benefit of a non-transient rental license. Subject property owner was previously cited for the same violation Case # 12-453.

Officer Lopez gave testimony and requested a finding of violation with Costs of \$250 and a fine of \$250 for a total of \$500.

43

Case # 16-634

Peter N Brawn

B-B Registries, LLC - Registered Agent

525 Caroline Street

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

Sec. 14-40 Permits in historic districts

Sec. 14-262 Requets for inspection

Officer Jorge Lopez

Certified Service: 6-17-2016 - Registered Agent

Initial Hearing: 7-27-2016

New Case

Count 1: For failure to obtain building permit for installion of bathtub and toilet. **Count 2:** For failture to obtain a certificate of appropriateness to do siding replacement, deck repairs and installatin of exterior door. **Count 3:** Must request inspection for electrical work as soon as job is ready

Susan Cardenas represented the respondents. Mr. Young stated that prior to the hearing they had agreed to continue this case. The Special Magistrate granted the request to continue this case to 31 Aug 2016.

44

Case # 16-727

Whammy Key LLC

Alfred Phillips - Registered Agent

903 Duval Street

Sec. 26-192 Unreasonably excessive noise prohibited

Officer Jorge Lopez

Certified Service: 6-30-2016

Initial Hearing: 7-27-2016

New Case

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

Cristy Spottswood represented the respondents. Mr. Young stated that prior to the hearing they had agreed to continue this case. The Special Magistrate granted the request to continue this case to 31 Aug 2016.

45

Case # 16-766

Adnan S Khan & Catherine B Dela Cruz

905 White Street 1

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

Sec. 14-40 Permits in historic districts

Officer Jorge Lopez

Certified Service: 7-14-2016

Initial Hearing: 7-27-2016

Request continuance to August 31, 2016

Count 1: Failure to apply for and obtain required permits and inspections for fence. **Count 2:** Failure to obtain Certificate of Appropriateness for fence.

The Special Magistrate granted the request to continue this case to 31 Aug 2016.

46

Case # 16-768

Townsend A Vanfleet

905 White Street 2

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

Sec. 14-40 permits in historic districts.

Officer Jorge Lopez

Certified Service: 7-11-2016

Initial Hearing: 7-27-2016

Request continuance to August 31, 2016

Count 1: Failure to apply for and obtain required permits and inspections for fence. **Count 2:** Failure to obtain Certificate of Appropriateness for fence.

The Special Magistrate granted the request to continue this case to 31 Aug 2016.

47

Case # 16-769

Alan Eckstein

905 White Street 3

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

Sec. 14-40 Permits in the historic districts

Officer Jorge Lopez

Certified Service: 7-8-2016

Initial Hearing: 7-27-2016

Request continuance to August 31, 2016

Count 1: Failure to apply for and obtain required permits and inspections for fence. **Count 2:** Failure to obtain Certificate of Appropriateness for fence.

The Special Magistrate granted the request to continue this case to 31 Aug 2016.

48

Case # 16-770

Patricia Frost

907 White Street 4

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

Sec. 14-40 permits in historic districts

Officer Jorge Lopez

Certified Service: 7-8-2016

Initial Hearing: 7-27-2016

Request continuance to August 31, 2016

Count 1: Failure to apply for and obtain required permits and inspections for fence. **Count 2:** Failure to obtain Certificate of Appropriateness for fence.

The Special Magistrate granted the request to continue this case to 31 Aug 2016.

49

Case # 16-771

James & Stephanie M Keegan

907 White Street 5

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

Sec. 14-40 Permits in historic districts

Officer Jorge Lopez

Certified Service:

Initial Hearing: 7-27-2016

Request continuance to August 31, 2016

Count 1: Failure to apply for and obtain required permits and inspections for fence. **Count 2:** Failure to obtain Certificate of Appropriateness for fence.

The Special Magistrate granted the request to continue this case to 31 Aug 2016.

50

Case # 16-890

GMBG#3 LLC

Dustin Hunter - Registered Agent

217 Duval Street

Sec. 26-192 Unreasonably excessive noise prohibited

Officer Jorge Lopez

Certified Service: 7-11-2016 - Registered Agent

Initial Hearing: 7-27-2016

Settlement Agreement

Count 1: Was given warning with a DBC of 94.7 on 5/1/16. Received another complaint, conducted a second reading on 7/5/16 with a DBC of 101.4 and was found in violation.

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 suspended fine in the amount of \$250.

51

Case # 16-581

Michael T McGrath Living Trust
Paul Gray Living Trust
822 Carstens Lane
Sec. 14-40 Permits in historic districts
Officer Kenneth JW Waite
Certified Service: 5-27-2016
Initial Hearing: 6-29-2016

In compliance July 14, 2016, request dismissal

Count 1: Reed fencing is prohibited in the historic district.

The Special Magistrate granted the request to dismiss this case.

52

Case # 16-653

Jane F Goodwin & Sam Dickson
518 Margaret Street 1
Sec. 66-102 Dates due and delinquent; penalties
Officer Kenneth JW Waite
Certified Service: 6-10-2016
Initial Hearing: 7-27-2016

In compliance June 10, 2016, request dismissal

Count 1: For failure to renew business license which expired 30 Sept 2015.

The Special Magistrate granted the request to dismiss this case.

53

Case # 16-721

BLB Retail LLC
Shay Priove
211 Duval Street A
Sec. 18-415 Restrictions in historic district
Sec. 18-704 Requirements for obtaining permit
Sec. 14-40 Permits in historic districts
Officer Kenneth JW Waite
Hand Served: 6-24-2016
Initial Hearing: 7-27-2016

Settlement Agreement

Count 1: Was observed actively engaged in off premise canvassing on the city right of way on Duval St. which is strictly prohibited. **Count 2:** Failure to have Registered Agent on the Cosmetic Store application. **Count 3:** Failure to obtain certificate Certificate of Appropriateness for drape attached to awning.

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. The Respondent also agrees to a suspended fine of \$250.

54

Case # 16-803

EO Investments, LLC
Moshe Ozana - Registered Agent
218 Duval Street
Sec. 18-415 Restrictions in historic districts
Officer Kenneth JW Waite
Posted: 7-8-2016
Initial Hearing: 7-27-2016

Settlement Agreement

Count 1: For off-premise canvassing on Duval Street which is prohibited.

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. The Respondent also agrees to a suspended fine of \$250.

55

Case # 16-805

Peter & Dixie Janker
1301 Whitehead Street
Sec. 110-259 Duty of private property owner
Officer Kenneth JW Waite
Certified Service: 6-21-2016
Initial Hearing: 7-27-2016

In compliance July 1, 2016, request Finding of Violation without fees or fines

Count 1: Failure to maintain landscape at least 80 inches above a walking surface for passage of pedestrians on sidewalks. Cited previously - case # 12-1223 and case # 14-371.

The Special Magistrate granted the request to find Peter & Dixie Janker in violation and not impose any fees or fines.

56

Case # 16-807

4 Gold LLC
Oz Elidor
119 Duval Street
Sec. 18-705 Requirements of permit holder
Officer Kenneth JW Waite
Hand Served: 6-27-2016
Initial Hearing: 7-27-2016

Settlement Agreement

Count 1: Failure to issue a written estimate prior to application or purchase of product.

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 in the amount of \$1,000. In addition a suspended fine of \$9,000 will be imposed.

57

Case # 13-57

KWSC, Inc.
DBA Adult Entertainment Club
Yuliya Andrews, President
Robert Goldman, P.A.
210 Duval Street
Sec. 18-415 Restrictions in the historic districts
Sec. 18-441 Required
Officer Jim Young
Certified Service: 7-11-2016 - Robert Goldman, P.A.
Initial Hearing: 1-30-2013

Irreparable Violation**Repeat Violation****Opened to Rehear Case**

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

Count 2: Failure to obtain off premise canvassing license.

Robert Goldman, attorney for respondent, objected to the Assistant City Attorney prosecuting the case. Also has a motion to recuse Magistrate Yates. Mr. Ramsingh stated that the rules that apply to judges and magistrates needs to be applied. The litigant needs to attest that they feel prejudice against the Special Magistrate. Mr. Goldman stated that there is nothing that the clients can swear to. Magistrate Yates stated he doesn't believe there are any well grounded allegations that he would be prejudicial, that he doesn't have anything against Mr. Goldman and denied the motion to recuse. Mr. Goldman stated that they were ready for trial. Mr. Ramsingh requested a continuance for subpoenas. Mr. Goldman objected. There is a requirement that a request for a continuance must be made in writing five days prior to a hearing or submit a petition at the time of the hearing. The Special Magistrate granted the request to continue this case to 31 Aug 2016.

58

Case # 13-1011

David & Marjorie A Rodriguez

1819 Venetia Street

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

Sec. 90-363 Certificate of occupancy required

Officer Jim Young

Certified Service: 6-18-16

Initial Hearing: 7-27-16

Continuance granted to August 31, 2016

Count 1: This property is being rented without the benefit of a non-transient business tax receipt. **Count 2:** This property has not been issued a certificate of occupancy.

The Special Magistrate granted the request to continue this case to 31 Aug 2016.

59

Case # 13-1012

David & Marjorie A. Rodriguez

1823 Venetia Street

Sec. 66-87 Business tax receipt required

Sec. 90-363 Certificate of occupancy required

Officer Jim Young

Certified Service: 6-18-2016

Initial Hearing: 7-27-2016

Continuance granted to August 31, 2016

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

The Special Magistrate granted the request to continue this case to 31 Aug 2016.

60

Case # 15-1237

Ann McFarland
Wardlow Building Group
1314 William Street
Sec. 14-37 Building Permits
Sec. 14-40 Permits in Historic District
Officer Jim Young
Certified Service: 6-15-2016 - Ann McFarland
Initial Hearing: 7-27-2016

New Case

Count 1: Failure to obtain building permits for removal/replacement of two windows. Notice of code violation was issued on Jan. 5, 2016.

Count 2: Failure to obtain HARC Certificate of Appropriateness for removal/replacement of two windows.. A notice of code violation was issued on Jan. 5, 2016.

Officer Young stated that he and Mr. McFarland spoke prior to the hearing and Mr. McFarland admitted to the violation. Costs of \$250 were requested which the Special Magistrate approved. A compliance date was discussed and Mr. McFarland. The court also reserves the right to impose fines if compliance is not obtained by 28 Sept 2016.

61

Case # 16-562

Overseas Radio, LLC
Guy deBoer, Registered Agent
Neil Willets, MGRM
City's Right of way, Duval Corridor
Sec. 106-56 Use of Streets and Sidewalks
Officer Jim Young
Posted: 5-20-2016
Initial Hearing: 7-27-2016

Repeat Violation**New Case**

Counts 1 through 42: Unlawful to use city right of way for advertising or display purposes as provided in subpart B. Forty-two repeat violations.

Wayne LaRue Smith represented the respondent. Mr. Young stated that they had talked prior to the hearing and would like to continue this case to 31 Aug 2016 because they think they have come up with a plan to put Mr. deBoer into compliance. The Special Magistrate granted the request.

62 **Case # 16-891**
Curtis A. Skomp, CCIM - Broker/Owner
Re/Max Keys Connection
410 Caroline Street
Officer Jim Young
Certified Service: 7-14-2016

False Alarm Appeal

The Special Magistrate granted the request to dismiss this case.

63 **Case # 16-892**
James Otis Pasco Jr
416 Margaret Street
Officer Jim Young
Certified Service: 7-12-2016

False Alarm Appeal

The Special Magistrate granted the request to dismiss this case.

64 **Case # 16-893**
Joaquin Barros
Asset & Profit Protection Manager
K-Mart 4725
Key Plaza Shopping Center
Officer Jim Young
Certified Service: 7-8-2016

False Alarm Appeal

The Special Magistrate granted the request to dismiss this case.

HARC Appeals

65

SMA 15-02

Far Niente, LLC
Eric Detwiler and Elizabeth Ford
Walter S. Szot and Dawn Szot
David M. Keller and Janine C. Keller
G.C.J., LLC
Land Trust #426KW dated 2/11/2010
Duck and Dolphin Antiques, LLC
Conch Republic Cycle, LLC
Bike Fit Key West, Inc.
616 Eaton Street

Bart Smith represented Mark & Kristina Serbinski. Wayne LaRue Smith represent Far Niente, LLC, etc. Bart Smith requested that the portion of the stay for the construction be lifted. Wayne Smith stated that the demolition is part of the new construction which were both on the plans that were submitted to HARC, therefore, the stay should not lifted. The Special Magistrate denied the motion to lift the stay. Bart Smith stated that there should be a bond to pay the employees because they will be out of work. Wayne Smith stated that an evidentiary hearing should be held and doesn't know if this tribunal has the ability to decide on a bond. Bart Smith stated that any damages would not go in front of this tribunal. Magistrate Yates requested that Wayne Smith draw up the order for the denial and Bart Smith to draw up the order for the bond hearing to be scheduled for 31 Aug 2016.

Adjournment