



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Wednesday, October 18, 2017

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 # 17-387

Key West Fury, Inc.

Scott Saunders - registered agent

200 Greene Street

Sec. 14-40 Permits in historic districts

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

Officer Sophia Doctoche

Certified Service: 8-31-2017

Initial Hearing: 9-27-2017

In compliance October 17, 2017, request dismissal

Count 1: For failure to obtain a certificate of appropriateness for the booth located on the Mel Fisher Museum property. **Count 2:** For failure to obtain a business tax receipt for the booth.

The Special Magistrate granted the request to dismiss this case. Compliance was obtained October 17, 2017.

2

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

Continuance granted to April 25, 2018

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 continue this case to April 25, 2018.

3

Case # 17-1015

Island Advertising & Printing

James E. Thornbrugh - Registered Agent

1107 Truman Avenue

Sec. 66-102 Dates due and delinquent; penalties - **Repeat Violation**

Officer Sophia Doctoche

Posted: 9-28-2017

Initial Hearing: 8-30-2017

In compliance October 16, 2017, request dismissal

Count 1: Failure to renew business license which expired 30 September 2017. Repeat code violation is based on the Finding and Order from case# 16-688.

The Special Magistrate granted the request to dismiss this case. Compliance was obtained October 17, 2017.

4**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: 9-27-2017

Continuance granted to November 15, 2017**Count 1:** For failure to a building permits to replace wallboard in the enclosure on the porch.**The Special Magistrate granted the request to continue this case to November 15, 2017.****5****Case # 17-1042**

Nicole L Snodgrass

1013 Packer Street

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

Sec. 14-40 Permits in historic districts

Officer Sophia Doctoche

Certified Service: 8-11-2017

Initial Hearing: 9-27-2017

In compliance October 2, 2017, request dismissal**Count 1:** Bernard of Allied General Contractors, Inc. was performing exterior renovations without benefit of a building permit. **Count 2:** Bernard of Allied General Contractors, Inc. was performing exterior renovations without benefit of a certificate of appropriateness.**The Special Magistrate granted the request to dismiss this case. Compliance was obtained October 2, 2017.**

6

Case # 17-1056

Laura D. Thornbrugh

James E. Thornbrugh

2014 Roosevelt Drive

Sec. 66-102 Dates due and delinquent; penalties - **Repeat Violation**

Officer Sophia Doctoche

Posted: 9-28-2017

Initial Hearing: 8-30-2017

This case was rescheduled from 9-27-2017 due to Hurricane Irma**Count 1:** Failure to renew business license which was due 30 September 2016.

Officer Lopez stated that this is a repeat violation for a delinquent business tax receipt. He requested costs of \$250 and a fine of \$500 for the repeat violation which the Special Magistrate granted.

7

Case # 17-1060

Laura Thornbrugh

James Thornbrugh

2016 Roosevelt Drive

66-102 Dates due and delinquent; penalties - **Repeat Violation**

Officer Sophia Doctoche

Posted: 9-28-2017

Initial Hearing: 8-30-2017

This case was rescheduled from 9-27-2017 due to Hurricane Irma**Count 1:** Failure to renew business license which expired 30 September 2016.

Officer Lopez stated that this is a repeat violation for a delinquent business tax receipt. He requested costs of \$250 and a fine of \$500 for the repeat violation which the Special Magistrate granted.

8

Case # 17-1128

Key West Bite, LLC

United States Corporation Agents, Inc. - registered agent

920 Caroline Street

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

Sec. 14-40 Permits in historic districts

Officer Sophia Doctoche

Certified Service: 8-21-2017

Initial Hearing: 9-27-2017

Request dismissal**Count 1:** For failure to obtain a building permit for the chain link fence.**Count 2:** For failure to obtain a certificate of appropriateness for this
chain link fence.

The Special Magistrate granted the request to dismiss this case. The
respondent was found not to be in violation.

9

Case # 17-1133

Waterfront Brewery, LLC

Joseph Walsh - registered agent

201 William Street

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

Sec. 14-40 Permits in historic districts

Officer Sophia Doctoche

Certified Service: 8-28-2017

Initial Hearing: 9-27-2017

In compliance September 27, 2017, request dismissal

Count 1: For failure to obtain a building permit for the tent that was
installed on the roof. **Count 2:** For failure to obtain a certificate of
appropriateness for the tent that was installed on the roof.

The Special Magistrate granted the request to dismiss this case. Compliance
was obtained September 27, 2017.

10

Case # 17-1260

P.T. Diamond Enterprises, Inc.

Zhang Jian Tang - registered agent

3300 N Roosevelt Blvd

Sec. 62-1 Deposits of oil, grease or other waste

Officer Sophia Doctoche

Certified Service: 9-26-2017

Initial Hearing: 9-27-2017

Settlement Agreement

Count 1: On 1 September 2017, received a complaint from the Fire Department that a large amount of grease spilled at the subject property.

The Special Magistrate was present with a duly executed Settlement Agreement which he approved. The respondent stipulates to the imposition of administrative costs of \$250 and a fine of \$500 for a total of \$750.00.

11

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 - **Count 4, in compliance, request dismissal**

FBC 1612.4 Flood Hazard Construction

Officer Scott Fraser

Certified Service: 8-17-2017 - W. Schmida

Initial Hearing: 8-30-2017

Continuance granted to November 15, 2017

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 to continue this case to November 15, 2017.

12

Case # 16-1414

Stafford Family Trust

724 Olivia Street

Sec. 90-363 Certificate of occupancy - required

Sec. 90-356 Building permits required

Sec. 58-61 Determination and levy of charge

Officer Leonardo Hernandez

Certified Service: 8-24-2017

Initial Hearing: 9-27-2017

Continuance granted to April 25, 2018

Count 1: For failure to obtain a certificate of occupancy for the second unit. **Count 2:** For failure to obtain building permits to convert the second floor into another unit, adding a kitchen and converting the attic into a bedroom. **Count 3:** For failure to pay for the solid waste charges for the second unit.

The Special Magistrate granted the request to continue this case to April 25, 2018

13

Case # 17-226

Robert Bowersox Trust 12/30/92

1212 Georgia Street

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

Sec. 14-40 Permits in historic districts

Officer Leonardo Hernandez

Certified Service: 3-31-2017

Initial Hearing: 4-26-2017

Continued from August 30, 2017 for compliance

Count 1: For failure to obtain a building permit for the wooden deck prior to starting construction. **Count 2:** For failure to obtain a certificate of appropriateness for the wooden deck prior to starting construction.

The Special Magistrate passed on this case until the HARC is heard. After some discussion about Mr. Bowersox HARC Appeal, the Special Magistrate continued this case to November 15, 2017.

14

Case # 17-972

Donald F Kilgore

2109 Harris Avenue

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

Sec. 14-31 Adopted construction codes

Officer Leonardo Hernandez

Certified Service: 8-28-2017

Initial Hearing: 9-27-2017

In compliance October 12, 2017, request dismissal

Count 1: For failure to obtain a plumbing permit prior to new kitchen and bathroom fixtures. **Count 2:** For failure to obtain plumbing inspections to assure compliance with the plumbing codes.

The Special Magistrate granted the request to dismiss this case. Compliance was obtained October 12, 2017.

15

Case # 17-1032

Margaret M Tobin - property owner

Dasha Renee Ray - property manager

3709 Donald Avenue

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

Officer Leonardo Hernandez

Certified Service: 9-26-2017

Initial Hearing: 9-27-2017

In compliance September 26, 2017, request dismissal

Count 1: For failure to obtain a non-transient rental license to rent the property.

The Special Magistrate granted the request to dismiss this case. Compliance was obtained September 26, 2017.

16

Case # 17-1131

Kunzler & Kunzler Key West, LLC - property owner
Phillip Cram Demena III - vehicle owner
420 Catherine Street
Sec. 108-677 Parking and storage of certain vehicles
Officer Leonardo Hernandez
Certified Service: 8-24-2017 - vehicle owner
Initial Hearing: 9-27-2017

In compliance September 27, 2017, request dismissal

Count 1: For failure to maintain a current license plate on the vehicle.

The Special Magistrate granted the request to dismiss this case. Compliance was obtained September 27, 2017.

17

Case # 17-1241

Gary the Carpenter Construction
Gary Burchfield
209 Duval Street
Sec. 62-1 Deposits of oil, grease or other waste
Officer Leonardo Hernandez
Certified Service: 9-5-2017
Initial Hearing: 9-27-2017

Settlement Agreement

Count 1: On an area canvass, observed employees of Gary the Carpenter washing down paint residue onto the right of way which, as a result, contaminated the City storm water drain at that location.

The Special Magistrate was presented with a duly executed Settlement Agreement which he approved. The respondent stipulates to the imposition of administrative costs of \$250 and a suspended fine of \$500.

18

Case # 16-773

Mark R Delgado

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

Continuance granted to January 31, 2018

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 January 31, 2018.

19

Case # 16-1552

Laney & Stephanie Caston
1901 South Roosevelt Boulevard S302
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings
Sec. 122-1371 D(9) Transient living accommodations in residential dwellings - **Counts 3 - 14**
Officer Beau Langford
Certified Service: 1-23-2017
Initial Hearing: 2-15-2017

In compliance September 1, 2017, request dismissal

Count 1: For holding the property out for short term rentals on VRBO.com for the dates of 15 Jan 2017 through 27 Jan 2017 without a transient rental license. **Count 2:** For holding the property out for short term rentals on VRBO.com for the dates of 15 Jan 2017 through 27 Jan 2017 without the benefit of the required city, county and state licensing, medallion and fire inspection. **Counts 3 through 14:** The subject property owner is holding out for transient rental for 12 nights for a total of \$3,744.00.

The Special Magistrate granted the request to dismiss this case. Compliance was obtained September 1, 2017.

20

Case # 17-790

Amanda Phelps
3029 N Roosevelt Blvd 37
Sec. 66-102 Dates due and delinquent; penalties
Officer Beau Langford
Certified Service:
Initial Hearing: 9-27-2017

In compliance September 25, 2017, request dismissal

Count 1: For failure to renew the non-transient business tax receipt.

The Special Magistrate granted the request to dismiss this case. Compliance was obtained September 25, 2017.

21

Case # 17-795

Thomas W Kenyon
1432 Virginia Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Beau Langford
Certified Service: 8-24-2017
Initial Hearing: 9-27-2017

In compliance September 26, 2017, request dismissal**Count 1:** For failure to renew the non-transient business tax receipt.

The Special Magistrate granted the request to dismiss this case. Compliance was obtained September 26, 2017.

22

Case # 17-900

B & R Enterprises of Key West
William Jordan - registered agent
1075 Duval Street C1
Sec. 66-102 Dates due and delinquent; penalties
Officer Beau Langford
Certified Service: 8-23-2017
Initial Hearing: 9-27-2017

In compliance August 23, 2017, request dismissal**Count 1:** For failure to renew the Pasta Garden of Key West entertainment business tax receipt.

The Special Magistrate granted the request to dismiss this case. Compliance was obtained August 23, 2017.

23**Case # 17-1024**

Robert Klutz

6 Merganser Lane 7

Sec. 66-102 Dates due and delinquent

Officer Beau Langford

Certified Service:

Initial Hearing: 9-27-2017

In compliance September 25, 2017, request dismissal

Count 1: For failure to renew the non-transient rental business tax receipt which expired 30 September 2016.

The Special Magistrate granted the request to dismiss this case. Compliance was obtained September 25, 2017.

24

Case # 17-1208

Truman & Co., Inc.

Roger G Emmons - registered agent

Terri Spottswood - M. principle

David Rolley

1120 South Street

Sec. 18-601 License required - **Count 1**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - **Count 2**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations D (9) - **Counts 3 - 9**

Officer Beau Langford

Certified Service: 9-9-2017 - Rolley

Certified Service: 9-26-2017 - Truman & Co.

Initial Hearing: 9-27-2017

City requests dismissal

Count 1: For renting the property transiently, without the benefit of a transient license, from 16 August 2017 through 23 August 2017. **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, does not have a transiently medallion and has not had the required fire inspection. **Counts 3 - 9:** The subject property owner/property manager held out for transient rental for 7 nights the dates of 16 August 2017 through 23 August 2017 for a total of \$3300.00.

The Special Magistrate granted the request to dismiss this case.

25

Case # 17-869

Janice Isherwood

523 Elizabeth Street

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

Repeat

Sec. 26-31 Offensive and nuisance conditions prohibited

Sec. 26-32 Nuisances illustrated

Officer Gerald L. Leggett

Posted: 8-16-2017

Initial Hearing: 8-30-2017

Continued from August 30, 2017 for compliance

Count 1: Failure to clean property of debris which tend to promote breeding of insects and rodents (debris and food containers left outside).

Count 2: Failure to clean property of any substance which shall permit, cause or do any nuisance or contribute to the nuisance. **Count 3:**

Failure to remove all substances which emit or cause foul, obnoxious, unhealthful or disagreeable odor or effluvia as it was determined that the presence of the odor was from cats defecating and urinating.

Additionally, a large bee hive was observed on the side of the home.

Gerald Leggett submitted evidence and stated that the property is not in compliance. The fines of \$250 per day, per count (counts 2 and 3) of the Findings and Order from August 30, 2017 were imposed.

26

Case # 17-1019

Key West Restorations, LLC - Property Owner

David L. Firestine/Incorporator

Michael Herrera - Tenant

1435 Flagler Avenue

Sec. 18-150 Certificate of competency - Required - **Michael Herrera****Count 1**Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - **David L. Firestine Count 2**Sec. 18-117 Acts declared unlawful - **David L. Firestine Count 3**Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business - **David L. Firestine Count 4**

Officer Gerald L Leggett

Certified Service: 8-1-2017 - Michael Herrera

Certified Service: 8-7-2017 - David Firestine

Initial Hearing: 8-30-2017

Continuance granted to November 15, 2017

Count 1: Failure to obtain the required contractor's license to remove concrete from the house. **Count 2:** Failure to obtain required permits for the removal of concrete from the house. **Count 3:** Failure to hire a licensed contractor. **Count 4:** Failure to obtain a business tax receipt for a rental property.

The Special Magistrate granted the request to continue this case to November 15, 2017.

27

Case # 17-1190

Michael Levi

3425 16th Terrace

Sec. 90-363 Certificate of occupancy - required

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

Sec. 58-61 Determination and levy of charge

Officer Gerald L Leggett

Certified Service: 9-28-2017

Initial Hearing: 9-27-2017

Continuance granted to November 15, 2017

Count 1: For failure to obtain a certificate of occupancy for the second unit. **Count 2:** For failure to obtain the required building permits to divide the single family residence into a two family, add a kitchen and a third bedroom. **Count 3:** For failure to pay the solid waste charges for the second unit.

The Special Magistrate granted the request to continue this case to November 15, 2017.

28

Case # 16-939

R R Beason Jr Trust 12/18/2000

1603 Von Phister Street

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

Officer Jorge Lopez

Officer Scott Fraser

Certified Service: 10-5-2016

Initial Hearing: 10-19-2016

Continued from August 30, 2017 for status/compliance

Count 1: For failure to obtain building permits for the interior and exterior renovations.

Owen Trepanier stated that the permits had been issued and requested that this case be dismissed. Ron Ramsingh stated that the property is not in compliance, has not had final inspections. Mr. Trepanier stated that they were only cited for doing work without permits. After some discussion, Mr. Ramsingh stated that he will agree to dismissing this case but the FEMA coordinator will be doing inspections and will recite if needed. The Special Magistrate dismissed this case.

29

Case # 17-138

Tong Hok Yat
1717 Thompson Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-262 Request for inspection
Sec. 122-238 Dimensional requirements
Sec. 90-392 Application
Officer Jorge Lopez
Certified Service: 4-19-2017
Initial Hearing: 5-31-2017

In compliance October 11, 2017, request dismissal

Count 1: New structure located in the setback without the benefit of required mechanical, electrical and plumbing permits. **Count 2:** Electrical, mechanical and plumbing work conducted without requesting the required final inspections. **Count 3:** New structure is located within 25 feet from the neighbor's fence. **Count 4:** The new structure is located in the setbacks without the benefit of a variance.

The Special Magistrate granted the request to dismiss this case. Compliance was obtained October 11, 2017.

30

Case # 17-720

Land 10031, LLC
Frances Casey Lowe - RA
3700 North Roosevelt Boulevard
Sec. 26-192 Unreasonably excessive noise prohibited
Officer Jorge Lopez
Certified Service: 6-26-2017
Initial Hearing: 7-26-2017

Continuance granted to November 15, 2017

Count 1: The car wash is operating 24 hours daily and the neighbor suffers disturbing noise within the boundaries of his property.

The Special Magistrate granted the request to continue this case to November 15, 2017.

31

Case # 17-982

Sheila McFarland

1625 Flagler Avenue

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

Officer Jorge Lopez

Certified Service: 8-29-2017

Initial Hearing: 9-27-2017

Continuance granted to November 15, 2017**Count 1:** For exceeding the scope of the paving permit by installing pavers on the City right-of-way.**The Special Magistrate granted the request to continue this case to November 15, 2017.**

32

Case # 17-1247

Sea Cups, LLC

Wayne Smith - registered agent

955 Caroline Street

Sec. 26-192 Unreasonable excessive noise prohibited - Repeat
Violation

Officer Jorge Lopez

Certified Service: 9-5-2017 - Sea Cups, LLC

Hand Served: 10-3-2017 - Wayne Smith

Initial Hearing: 9-27-2017

Settlement Agreement**Count 1: Repeat Violation** - On 27 August 2017, responded to a complaint and recorded the music emanating from Dante's. Met with the complainant at his residence and he filled out a disturbing noise form. There was a Settlement Agreement presented to the Special Magistrate for the previous case, 15-310, which he approved. If the respondent was found in violation of Sec. 26-192 within 60 months, that it would be considered as repeat punishable by up to \$500 per day, per count.**The Special Magistrate was presented with a duly executed Settlement Agreement which he approved. The respondent stipulates to the imposition of administrative costs of \$250, a fine of \$500 and the suspended fine of \$250 assessed from case # 15-310 for a total of \$1,000. The respondent also stipulates to a new suspended fine in the amount of \$500, suspension shall be for 60 months.**

33

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

Continuance granted to November 15, 2017

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 November 15, 2017.

34

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

Continuance granted to November 15, 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.

The Special Magistrate granted the request to continue this case to November 15, 2017.

35

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

Continuance granted to November 15, 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.

The Special Magistrate granted the request to continue this case to November 15, 2017.

36

Case # 17-746

AIRBNB, Inc. - Registered Agent

Lawyers Incorporating Services 2710

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

1207 Florida Street

Officer Kenneth JW Waite

Certified Service: 5-22-2017

Initial Hearing: 7-26-2017

Continuance granted to November 15, 2017

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.

The Special Magistrate granted the request to continue this case to November 15, 2017.

37

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

Continuance granted to November 15, 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.

The Special Magistrate granted the request to continue this case to November 15, 2017.

38

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) - Counts 1-7 - **Repeat Violations**

Officer Kenneth JW Waite

Certified Service: 6-12-2017

Initial Hearing: 7-26-2017

Continuance granted to November 15, 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

The Special Magistrate granted the request to continue this case to November 15, 2017.

39

Case # 17-1154

Michael J McMahon

100 Admirals Lane

Sec. 18-601 License required - Counts 1 - 6 - **Repeat/Irreparable**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Counts 7 - 13 - **Repeat/Irreparable**

Officer Kenneth JW Waite

Posted: 9-27-2017

Initial Hearing: 9-27-2017

Continuance granted to November 15, 2017

Counts 1 - 6: Repeat/Irreparable - For renting the property transiently, without the benefit of a transient license, from 27 July 2017 through 4 August 2017. **Counts 7 - 13: Repeat/Irreparable** - The property was advertised on VRBO.com for the dates of 27 July 2017 through 4 August 2017 for a total of \$4,532.63.

The Special Magistrate granted the request to continue this case to November 15, 2017.

40

Case # 17-1187

Michael J McMahon

100 Admirals Lane

Sec. 18-601 License required - Counts 1 - 3 - **Repeat/Irreparable**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Count 4 - **Repeat/Irreparable**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations D (9) - Counts 5 - 7 - **Repeat/Irreparable**

Officer Kenneth JW Waite

Posted: 9-27-2017

Initial Hearing: 9-27-2017

Continuance granted to November 15, 2017

Counts 1 - 3: Repeat/Irreparable - For renting the property transiently, without the benefit of a transient license, from 4 August 2017 through 7 August 2017. **Count 4: Repeat/Irreparable** - The subject property owner is holding out/advertising for short term rental without the benefit of the required city, county and state licensing, does not have a transiently medallion and has not had the required fire inspection. **Counts 5 - 7 - Repeat/Irreparable** - Per the tenant, the subject property was advertised by the host, Michael McMahon, on VRBO.com for the dates of 4 August 2017 through 7 August 2017 for a total of \$3,067.25.

The Special Magistrate granted the request to continue this case to November 15, 2017.

41

Case # 17-1212

Michael McMahon

28 Seaside South Court

Sec. 18-601 License required - Counts 1 - 2 - **Repeat/Irreparable**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Count 3 - **Repeat/Irreparable**Sec. 122-1371 Transient living accommodations in residential dwellings'
regulations - Counts 4 - 5 - **Repeat/Irreparable**

Officer Kenneth JW Waite

Posted: 9-27-2017

Initial Hearing: 9-27-2017

This case was rescheduled from 9-27-2017 due to Hurricane Irma

Counts 1 - 2 - Repeat/Irreparable - For renting the property transiently, without the benefit of a transient license, from 3 July 2017 through 5 July 2017. **Count 3: Repeat/Irreparable** - The subject property owner is holding out/advertising for short term rental without the benefit of the required city, county and state licensing, does not have a transiently medallion and has not had the required fire inspection. **Counts 4 - 5 - Repeat/Irreparable** - Per the tenant, Chariss, the subject property was advertised on VRBO.com for the dates of 3 July 2017 through 5 August 2017 for a total of \$433.00.

Officer Waite gave testimony. He stated he was doing a search and found a review of the subject property. The woman's name was Charise. He found her on Facebook and sent her a text. She responded and he asked for a rental agreement which she provided. It was for a two night stay, arriving 3 July 2017 and leaving 5 July 2017 for a total of \$433.00. Officer Waite requested \$250.00 Administrative Fees, \$5,000 irreparable fine for two counts, two night stay (\$10,000.00) and the cost of the rental, \$433.00 for a total of \$10,683.00 which the Special Magistrate approved.

42

Case # 17-1216

Key Cove Landings, LLC - registered agent

Edwin O Swift III

VACASA LLC

CT Corporation System

5 Key Cove Drive

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

Officer Kenneth JW Waite

Certified Service: 8-25-2017

Initial Hearing: 9-27-2017

This case was rescheduled from 9-27-2017 due to Hurricane Irma

Count 1: Per the tenants, Mr. & Mrs. Hulett, the subject property was held out as being an alternate for 522 Dupont Lane. The original property, 522 Dupont Lane would be undergoing construction during the reserved dates of 17 August 2017 through 21 August 2017 for a total of \$2684.75. Mr. Hulett completed an affidavit stating he was never issued an updated contract, or receipt, for choosing 5 Key Cove Drive.

Michelle Cates attended the hearing for Key Cove Landings, LLC. Mr. Young requested that the case be continued to November 15, 2017 for service of subpoenas which was granted by the Special Magistrate.

43

Case # 17-821

Seamless Gutter Masters, Inc.

Frank De La Paz - registered agent

2319 Harris Avenue

Sec. 66-87 Business tax receipt for all holding themselves out to be engaged in business - **Count 1, request dismissal**

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

Officer Jim Young

Certified Service: 9-2-2017

Initial Hearing: 9-27-2017

In compliance October 17, 2017, request dismissal

Count 1: For failure to obtain a business tax receipt to install gutters in the City of Key West. **Count 2:** For failure to obtain a building permit to install the gutters.

The Special Magistrate granted the request to dismiss this case. Compliance was obtained October 17, 2017.

44

Case # 17-964

George Broughton

1801 N Roosevelt Blvd D12

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

Officer Jim Young

Posted: 9-29-2017

Initial Hearing: 9-27-2017

Continuance granted to December 20, 2017

Count 1: For failure to obtain a building permit to install new decking and a sliding glass door.

The Special Magistrate granted the request to continue this case to December 20, 2017.

45

Case # 17-1114

Martin Rossi Gonzalez

504 Noah Lane

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

Officer Jim Young

Certified Service:

Initial Hearing: 9-27-2017

Request dismissal, cannot locate Mr. Gonzalez**Count 1:** For failure to obtain a business tax receipt for painting.

The Special Magistrate granted the request to dismiss this case. Cannot locate Mr. Gonzalez.

HARC Appeals

46

SMA 17-03

Robert T Bowersox

1212 Georgia Street

17-0631

Mr. Bowersox stated that he received a call yesterday from someone in the City Attorney's office asking for the transcript of the HARC case. He stated that he did not understand the procedure so he contacted an attorney, Wayne LaRue Smith. Mr. Smith said that he would need time to go over the case. Mr. Bowersox also stated that he would not be available for the November hearing, he is getting married on November 12th. Said that he misunderstood a great deal of the process. Mr. Ramsingh stated that he does not have a Notice of Appearance, there are no building permits for the roof deck that was added and that Mr. Smith is very capable of handling the case without Mr. Bowersox present. He objected to the continuance. Magistrate Yates stated that he will allow only one continuance to the November calendar, no more and that Mr. Smith is more than competent to handle this.

Adjournment