



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Code Compliance Hearing

---

Wednesday, November 15, 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**

**1**

**Case # 17-534**

Anchor Line Realty, LLC  
David C. Austin - Registered Agent  
820 Ashe Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Sophia Doctoche  
Certified Service:  
Initial Hearing: 11-15-2017

**Request continuance to December 20, 2017 for service**

**Count 1:** Failure to renew the business license which expired 30 September 2016.

**The request to continue this case to December 20, 2017 was previously granted by the Special Magistrate.**

**2****Case # 17-970**

Clifford Fick

415 Julia Street

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

Sec. 14-40 Permits in historic districts.

Officer Sophia Doctoche

Read Receipt: 11-1-2017

Initial Hearing: 11-15-2017

**Continuance granted to December 20, 2017****Count 1:** A permit was obtained for placement of a gate and the General Contractor worked beyond the scope of work for that permit.**Count 2:** Failure to obtain the Certificate of Appropriateness for the subject property.

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

**3****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 October 18, 2017****Count 1:** For failure to a building permits to replace wallboard in the enclosure on the porch.

Jean Senat attended the hearing with a translator. Officer Doctoche submitted evidence and gave testimony about the construction work going on without the benefit of a building permit. She requested costs of \$250 and to reserve on fines. The Special Magistrate asked Mr. Senat if he admitted to the violation and his answer was yes. The Special Magistrate found Mr. Senat in violation and imposed the costs of \$250. He gave Mr. Senat till January 31, 2018 to come into compliance and reserved the right to impose fines if compliance was not obtained.

4

**Case # 17-1202**

Ramirez Family Land Trust

Gary Sibley

2401 Harris 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. 14-262 Request for inspection

Officer Sophia Doctoche

Certified Service: 10-24-2017

Initial Hearing: 11-15-2017

**Continuance granted to December 20, 2017**

**Count 1:** Shed/additon built without the benefit of building permits and built within the setbacks. **Count 2:** Failure to apply and obtain a Certificate of Occupancy for the addition. **Count 3:** The subject property has 1 set of utilities associated with this single-family home but does not reflect utilities for the addition. The subject property will need to apply for and obtain a legal unit determination for the additional residential unit. **Count 4:** Failure to obtain a building inspection for all electrical work done at the subject property.

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

5

**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

**New Case****Count 1:** Construction of an addition to the subject property without  
benefit of required permits.

Marie Delus attended the hearing with a translator. Officer Doctoche submitted evidence and gave testimony about the construction work going on without the benefit of a building permit. She requested costs of \$250 and to reserve on fines. The Special Magistrate asked Ms. Delus if she admitted to the violation and her answer was yes. The Special Magistrate found Ms. Delus in violation and imposed costs of \$250. He gave Ms. Delus till January 31, 2018 to come into compliance and reserved the right to impose fines if compliance was not obtained.

6

**Case # 16-1495**

Dennis P Saviano

Mikus Berzins

2822 North Roosevelt Boulevard

Sec. 90-356 Building Permits Required

FBC 1612.4 & ASCE 24-05 Unprotected Enclosed Below Design Flood  
Elevation

Sec. 90-356 Building Permits Required

Sec. 90-363 Certificate of Occupancy

Sec. 14-261 - 363 Failure to Obtain Electrical Permit

Sec. 34-136 Manufactured Homes

Officer Scott Fraser

Certified Service: 8-15-2017 - Dennis P Saviano

Initial Hearing: 8-30-2017

**In compliance October 30, 2017, fees pending**

**Count 1:** Install a commercial modular office structure without having applied nor received a building permit. **Count 2:** Install, or allow to be installed, an inhabitable structure being utilized as an office within a FEMA designated AE-8 flood zone, below the minimum required elevation deemed necessary for flood damage prevention. **Count 3:** Placed two unpermitted advertising signs upon a building all in addition to other commercial signs already affixed to the building without having first obtain a building permit. **Count 4:** Occupy a commercial modular office structure without having obtained a Certificate of Occupancy. **Count 5:** Install, or allow to be installed, a buried electrical power cable from an as yet unidentified power source to a commercial modular office structure without having obtained required electrical work building permit. **Count 6:** Did install, or allow to be installed, an inhabitable structure being utilized as an office within a FEMA designated AE-8 flood zone, with an inadequate/unsafe foundation without required anchoring and installed by someone other than a licensed mobile home installer as required.

The Special Magistrate stated that this property was in compliance as of 30 Oct 2017, but cannot close the case until the fees are paid.

7

**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

**Continued from October 18, 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.

Wayne LaRue Smith attended the hearing representing the Schmida's. Mr. Smith stated that there have been several cases that the code officers were there and ended up closing the case. The Attorney General's opinion on the statutes of limitations does not apply because of the Latorre v. Monroe County case. The code officers were physically present on the Appellants' property and should have seen through inspection that the downstairs was enclosed. Mr. Ramsingh stated that while looking into the Latorre case he saw the case Sarasota County v National City Bank which the District Court of Appeal quashed the circuit court's order reversing the special master, and remand to circuit court. The Attorney General's opinion was given prior to any of these cases. Magistrate Yates said that it was premature for the motion to dismiss and had the hearing. Officer Fraser gave testimony stating that the city does not recognize ground level area as a living area. The property appraiser does. The permit from 1988 for a garage door and a sliding glass door states not to be used as habitable space. Where the sliding door was is now a solid wall with a solid door, the patio has been enclosed by 3 solid walls. There are two doorbells, one of which is marked down. Mr. Young did an inspection where the photo that was taken showed a wall a/c had been installed in the wall where a door used to be. Also appears that the garage has been turned into another unit, sealant has been sprayed in all cracks. Mr. Smith entered evidence which consisted of the property card from 1992 and a survey issued in 2005 that shows the downstairs enclosure. Mr. Ramsingh called Terrence Schmida to testify. Magistrate Yates swore him in. Mr. Schmida answered questions, lived there since 2005, there is a large area being rented to a friend for \$800 per month, foam was sprayed prior to the hurricane to prevent water from coming in (lost water heater in Wilma). Mr. Schmida lives in the rear area. Has small stove, sink and refrigerator and has access to upstairs where he does his laundry and uses the cooking facilities for elaborate meals. Two friends live upstairs. People moved in immediately after the property was purchased. He didn't remember the conversation with Officer Langford even after reading Officer Langford's case notes. Stated a friend installed 2 sinks and electric and a permit was not required. Worked for the City for 18 years and did write the article about the building of the school, would require permits from the ground up. Mr. Ramsingh stated that there were no permits pulled for plumbing or electric. Mr. Smith requested everything submitted, including request to dismiss be entered into evidence. Admitted to count 5, a permit would be required for the shed roof and to enclose it or demolish it on the patio and as he mentioned latches and estoppel requested and there's a lack of competent substantial evidence otherwise to find a violation of counts 1, 2 and 3. Mr. Ramsingh stated that Mr. Smith's client stated that they have made changes since 2005 and beyond, as early as this week, have done things to that enclosure to make it habitable space. Magistrate Yates: Will deal with the motion to dismiss first. As to whether the city knew or should have known that a violation existed for purposes for counts 1, 2 and 3; looking at the record for case history from August 2011, web complaint that the garage has been turned into 3 apartments, Newhouse, is renting there for 2 months, no lease or contract. Journalist that works for Terry Schmida is one of the renters, another renter left yesterday. Officer came back again, complaint was four unrelated adults and cooking area, explained about the number of bedrooms, baths, etc. This was about the number of people living there and whether it can be occupied that way. It's not the same as the current complaint. So as far as the Statute of Limitations, whether they knew or should have known the motion to dismiss is denied. Next complaint is from August 2013, Officer Hernandez was the investigating officer. Complaint from Gary Hall, multiple apartments at this

location, evidence submitted at the request of the respondents, unable to make contact with anyone at this property and left a courtesy notice to call. Received calls from Ms. Castro of the Smith Law Firm, set up an appointment with Mr. Smith. Looks like it went forward but nothing was stated in the case. Was not able to obtain any evidence that would demonstrate a code violation and no evidence that they were allowed access to view the property. This is also denied for the Statute of Limitations. Regarding the June 2016 case, complaint that there are two illegal units, one is the enclosed garage and the other unit is downstairs. This talks about the other cases where there was no evidence of a violation. Officer spoke with the property owner and was denied access to the property. Owner stated that he thought this issue was resolved. Officer Langford had no further evidence of a violation and the case was closed. If there is no way the city knew or could have known that there were illegal units down there, because they were not granted access, there was no way that they could be put on notice that there were illegal units. Each individual complaint did not necessarily put the city on notice that there would be a statute of limitations running because there was no previous finding that there was a violation for illegal units. As for count 1, Mr. Schmida's testimony, there is a guy living down there, permit allowed garage door and sliding door but could not be used as habital space. Finds a violation of count 1. As to Count 2 and 3, changing area from parking to habitable space and not having a certificate of occupancy, Mr. Schmida is the only one that has seen the inside of this building and has testified that it was changed. What we have here is that there was construction without the required building permits, didn't find Mr. Schmida's testimony credible because he didn't think he needed permits for electrical, plumbing and construction that was being done. He admitted to the occupancy of other individuals, including himself, in the downstairs. I find that there is a violation of count 1, 2 and 3 for the reason stated, count 4 has already been dealt with and count 5 there was an admission of violation. Mr. Smith requested a compliance period. Mr. Ramsingh requested a \$250 fine, per day, per count, count 1, 2, 3 and 5 until it comes into compliance with a compliance date in 60 days. If he shows due diligence between now and 60 days and needs an extension we would be amiable to that. \$250 court costs. If he comes into compliance within the 60 days, it would just be the \$250 court costs. If he doesn't, then it will be \$250 times four starting on day 61. Compliance is January 31, 2018.



8

**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

**In compliance October 31, 2017, fees pending**

**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 stated that this property was in compliance as of 31 Oct 2017, but cannot close the case until the fees are paid.**

9

**Case # 17-1288**

Ms. Elaine G. Weitzen

1115 Southard Street

Sec. 74-32 Discharges to natural outlets - **Irreparable Violation**

Officer Leonardo Hernandez

Certified Service:

Initial Hearing: 11-15-2017

**In compliance October 11, 2017, request dismissal**

**Count 1:** Illegal discharge of pool water onto the right of way into the city's storm drain.

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

10

**Case # 16-1570**

Robert Reilly

Nicola Roques

1535 5th Street

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptionsFBC 1612.4 Flood Hazard Construction & ASCE 24-05 Unprotected  
Enclosed Below Design Flood ElevationSec. 122-238 Dimensional requirements. Paragraph 6, Section a.  
Single-family

Officer Beau Langford

Certified Service: 10-16-2017

Initial Hearing: 11-15-2017

**Continuance granted to January 31, 2018**

**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.

**The request to continue this case to January 31, 2018 was previously granted by the Special Magistrate.**

11

**Case # 17-829**

Bradly Gendron

2820 Staples Avenue

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

Sec. 18-117 Acts declared unlawful.

Officer Gerald L Leggett

Posted: 10-16-2017

Initial Hearing: 11-15-2017

**In compliance October 23, 2017, request dismissal**

**Count 1:** Failure to obtain required building permits for replacement of porch railing and roof supports. **Count 2:** Gendron General Contracting, LLC received payment for work and abandoned the job.

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

12

**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—Dismissed at the  
August 30th hearing~~

Officer Gerald L Leggett

Certified Service: 8-1-2017 - Michael Herrera

Certified Service: 8-7-2017 - David Firestine

Initial Hearing: 8-30-2017

**Continued from October 18, 2017 for compliance**

**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.~~

**Officer Leggett requested that this case be continued to December 20, 2017.****Permits have not been issued yet. The Special Magistrate granted this request.**

13

**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: 10-18-2017

**Continuance granted to December 20, 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 request to continue this case to December 20, 2017 was previously granted by the Special Magistrate.**

14

**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

**Continued from October 18, 2017****Request to continue this case was denied**

**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 stated that he had denied the request for a continuance because this case has been continued several times. Nick Batty attended the hearing for Land 10031, LLC. Officer Lopez gave testimony stating that he met with the complainant, Jose, on May 14, 2017 about the disturbing noise. He filled out a disturbing noise form. On May 19, he issued a Notice of Code Violation. He met with owners on May 25 and they spoke about the options to come into compliance. As of today, the sound proof equipment has not been installed. Mr. Batty asked to reinstate his request to continue, that the permit was ready for pickup and they were not able to apply for the apply for it until they knew what soundproofing they would be using. He requested 60 days. The Special Magistrate granted his request to January 31, 2018.

15

**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: 10-18-2017

**Continued from October 18, 2017****Request to continue for 3 months was denied**

**Count 1:** For exceeding the scope of the paving permit by installing pavers on the City right-of-way.

Officer Lopez gave testimony. He stated that Sheila McFarland was told that the pavers had to be removed in July and that the pavers are still there. He requested a violation with costs of \$250 and a fine of \$250 per day if they were not in compliance by the December hearing. The Special Magistrate granted his request.

16

**Case # 17-1318**

Ciara Barthlett

1113 B Truxton Road

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

Officer Jorge Lopez

Certified Service: 10-31-2017

Initial Hearing: 11-15-2017

**Continuance granted to December 20, 2017**

**Count 1:** Respondent has a mobile vendors license for pet grooming (Cici's Pet Grooming) but is providing services where she lives.

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

17

**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 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.

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

18

**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 December 20, 2017**

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

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



19

**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 December 20, 2017**

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

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

20

**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 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.

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

21

**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 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.

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

22

**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 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

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

23

**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: 10-18-2017

**Continued from October 18, 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.

**Officer Waite submitted evidence and gave testimony.**

**He stated that this is a repeat/irreparable violation.**

**Evidence submitted showed an unsigned lease and an invoice.**

**He requested a violation with a \$5,000 fine, costs of the rental, \$4,532.63, and administrative fees of \$250 for a total of \$9,782.63. The Special Magistrate granted his request.**

24

**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: 10-18-2017

**Continued from October 18, 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.

Officer Waite submitted evidence and gave testimony. He stated that this is a repeat/irreparable violation. Evidence submitted showed a lease agreement with payment receipt. He requested a violation with a \$5,000 fine, costs of the rental, \$3,067.25, and administrative fees of \$250 for a total of \$8,317.25. The Special Magistrate granted his request.

25

**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: 10-18-2017

**Continued from October 18, 2017**

**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. A Settlement Agreement for Vacasa was presented to the Special Magistrate which he approved. Ron Ramsingh, Assistant City Attorney, stated that Key Cove Landings has come to terms with what the city has told them, that we would not accept less than the \$5,000 suspended fine from a previous case, \$5,000 current fine which is the maximum allowable, plus the \$250 court cost. This hasn't been reduced to writing yet and submit it to court sometime between now and the next court date. Ms. Cates stated that they are not contesting the violation but are ready to enter into the agreement orally now. Mr. Ramsingh stated that we do not accept no contest type agreements. I think what Ms. Cates is saying is that want to come here today and not contest the violaiton. A written settlement agreement would contemplate an admission. Ms. Cates agreed to what Mr. Ramsingh stated and the Special Magistrate granted the request for all fines and fees.

**HARC Appeals**

**26**

**SMA 17-03**

Robert T Bowersox  
1212 Georgia Street  
17-0631

**HARC Appeal withdrawn**

HARC Appeal was withdrawn.

**Mitigations**

**27**

**Case # 17-431**

Jean Azard  
1300 15th Court Lot 12

Jean Azard attended the hearing. After some discussion, the Special Magistrate asked the city what they wanted and Officer Lopez requested that the fines be mitigated to only \$700. The Special Magistrate granted his request and stated that is as low as he can go.

**Adjournment**