



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

Code Compliance Hearing

Wednesday, September 26, 2018

1:30 PM

City Hall

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

Call Meeting to Order

Code Violations

1

Case # 18-1098

Southernmost Homes, Inc.
Joseph Cleghorn, Jr
2002 Seidenberg Avenue
Sec. 62-2 Obstruction of Streets
Sec. 26-126 Clearing of property of debris and noxious material required
Officer Bonnita Badgett
Certified Service:
Initial Hearing: 9-26-2018

Request continuance for good service

Count 1: In front and side of the property at 2002 Seidenberg Avenue, the City right of way has trash and furniture obstructing the passage of pedestrians. **Count 2:** Failure to clear the City right of way of debris and noxious materials.

The Special Magistrate granted the request to continue this case to 31 October 2018 for good service.

2

Case # 18-357

Bob Sunderman
922 Catherine Street
Sec. 110-292 Failure to achieve a compliance agreement
Officer Wherden Charles
Certified Service:
Initial Hearing: 4-25-2018

Continued from 29 Aug 2018 for compliance

Count 1: For failure to come into compliance with the signed settlement agreement for violations Sec. 110-256 and 110-321. The payment of \$500 and the planting of one coconut palm 8' tall has not been met.

Ron Ramsingh, Chief Assistant City Attorney - Key West, gave testimony that the Special Magistrate requested that this case be sent back to the Tree Commission for renegotiation. We will report back when and if the terms have changed. He asked that we set it for 30 days continuance. This will be placed on the 31 Oct 2018 code hearing for compliance.

3

Case # 18-595

Curtis A Skomp
410 Caroline Street
Sec. 14-40 Permits in historic districts
Officer Wherden Charles
Certified Service: 8-6-2018
Initial Hearing: 9-26-2018

Continuance granted to 31 Oct 2018

Count 1: Failure to obtain required HARC permit for approval of signage.

The Speical Magistrate stated he has represented Mr. Skomp in the past. The Special Magistrate granted the request to continue this case to 31 Oct 2018.

4

Case # 18-734

Vincent Gannuscio
420 Fleming Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Wherden Charles
Certified Service:
Initial Hearing: 9-26-2018

In compliance 2 Aug 2018; request dismissal

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

The Special Magistrate granted the request to dismiss this case.

5

Case # 18-756

Juan C. Betancur
109 Duval Street
Sec. 102-282 Outdoor display of goods
Sec. 114-103 Prohibited signs
Officer Sophia Doctoche
Certified Service: 8-21-2018
Initial Hearing: 9-26-2018

In compliance 30 Aug 2018; request dismissal

Count 1: Failure to obtain an outdoor display exception from the Planning Board. **Count 2:** Failure to obtain a certificate of appropriateness for the signs located at the business the HARC Department.

The Special Magistrate granted the request to dismiss this case.

6

Case # 18-849

Child Life Society

Chaim A. Wolkenfeld

1000 17th Street

Sec. 110-292 Failure to achieve a compliance agreement

Officer Sophia Doctoche

Posted: 7-5-2018

Initial Hearing: 7-25-2018

Continued from 29 Aug 2018 for compliance

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

Ron Ramsingh, Chief Assistant City Attorney - Key West, gave testimony that the Special Magistrate requested that this case be sent back to the Tree Commission for renegotiation. We will report back when and if the terms have changed. He asked that we set it for 30 days continuance. This will be placed on the 31 Oct 2018 code hearing for compliance.

7

Case # 18-866

Zachary Humphries

14 D 10th Avenue

Sec. 18-150 Certificate of competency required

Sec. 66-87 Business tax receipt required

Officer Sophia Doctoche

Certified Mail: 8-1-2018

Initial Hearing: 7-25-2018

Settlement Agreement

Count 1: Advertising to be a contractor without the required certificate of competency. **Count 2:** Holding himself out for business in the City of Key West without procuring a city business tax receipt.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 were imposed with a fine of \$750 and a suspended fine of \$1,500 for a total due of \$1,000. This settlement agreement encompasses three cases: #18-866, #18-1095, #18-1677. This settlement agreement encompasses three cases: #18-866, #18-1095, #18-1677.

8

Case # 18-913

Federal National Mortgage Association

3367 Donald Avenue

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

Officer Sophia Doctoche

Certified Service: 7-31-2018

Initial Hearing: 8-29-2018

Continued from 29 Aug 2018**Count 1:** Redoing windows and door without the benefit of permits.

Dasha Ray from Fannie May Federal National Mortgage Association. The Special Magistrate asked what is Ms. Ray's capacity for Fannie May. Ms. Ray said she is the real estate agent and there is a letter of authorization with the building permits. Officer Doctoche stated she does not have the letter but Ms. Ray has been the person she has dealt with since the beginning. Ms. Ray said she would get one to her and the Special Magistrate stated this was okay. Officer Doctoche gave testimony stated she observed a window being done and Ms. Ray removed the Stop Work Order. Ms. Ray said that permits for the window would be submitted by Gary the Carpenter and they have been. As of today, the permit is in plans review since Sept. 19. Ms. Ray gave testimony that the trim was removed to measure the window. She stated the window was not replaced that just the trim was removed to measure the window. She stated they needed to remove the trim to measure the window. Officer Doctoche stated the new windows were there when she investigated. Ms. Ray says she is not denying that the trim was removed without the permit. The Special Magistrate asked what is the City's request. Officer Doctoche stated \$250 administrative costs and \$250 for the violation. The Special Magistrate asked what the \$250 fine is for and Officer Doctoche stated for the permit as it hasn't been released yet. It sat in call back due to Gary The Carpenter. The Special Magistrate asked when it was applied for. Officer Doctoche stated the case was called in June 26 and the permit was applied for July 17. The Special Magistrate asked why it took so long and Ms. Ray stated Gary the Carpenter is not here to reply. She didn't know and couldn't answer for him. The Special Magistrate stated the contractor did things backwards. Ms. Ray stated he didn't get the window until he removed the trim. He bought a window from Home Depot because the size was not a special order. The Special Magistrate asked if it was the intention to remove the window all along? Mr. Ray stated that was correct. The Special Magistrate asked Director Young and Ron Ramsingh if they knew if the Building Department would need the measurements for the windows. Mr. Young said he believe they did. The Special Magistrate stated the question is whether they should have gotten a permit before they removed the trim. The Special Magistrate stated he will continue this case until 21 Oct 2018 because there is more to this and he wants it to get fixed. He stated to Ms. Ray to get the permit. The Special Magistrate wants Ms. Ray to come back to explain why the permit was not put in first and to stay in contact with the city.

9

Case # 18-927

RCJB Properties Inc.
3402 Eagle Avenue
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Sophia Doctoche
Certified Service: 7-23-2018
Initial Hearing: 9-26-2018

Continuance granted to 31 Oct 2018

Count 1: Failure to obtain permits for installation of a new door, windows and stucco on the house.

The Special Magistrate granted the request to continue this case to 31 Oct 2018.

10

Case # 18-1039

Ashby Street LLC
1417 Ashby Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Sophia Doctoche
Certified Service: 8-22-2018
Initial Hearing: 9-26-2018

In compliance 24 Aug 2018; request dismissal

Count 1: New property owner has not obtained the non-transient business tax receipt.

The Special Magistrate granted the request to dismiss this case.

11

Case # 18-1064

Marsh Enterprises of SW Florida Inc
412 Frances Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Sophia Doctoche
Certified Service: 8-21-2018
Initial Hearing: 9-26-18

Continuance granted to 31 Oct 2018

Count 1: Failure to obtain a building permit for putting in a new fence.

The Special Magistrate granted the request to continue this case to 31 Oct 2018.

12

Case # 18-1095

Zachary Lee Humphries
1213 14th Street Z
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 18-150 Certificate of competency required
Sec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business
Officer Sophia Doctoche
Certified Service: 8-1-2018
Initial Hearing: 9-26-2018

**Irreparable Violations
Settlement Agreement**

Count 1: Failure to obtain required building permits for work going on in the house. **Count 2:** Failure to obtain a certificate of competency. **Count 3:** Failure to obtain required business tax receipt for all holding themselves out to be engaged in business.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 were imposed with a fine of \$750 and a suspended fine of \$1,500 for a total due of \$1,000. This settlement agreement encompasses three cases: #18-866, #18-1095, #18-1677.

13

Case # 18-1176

Mark Morales

1715 Washington Street

Sec. 18-150 Certificate of competency required

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

Officer Sophia Doctoche

Hand Served: 8-27-2018

Initial Hearing: 9-26-2018

Repeat Violations**New Case**

Count 1: Failure to obtain a certificate of competency before engaging in business as a licensed contractor. Previous case #18-751 where there was a signed settlement agreement and a fine of \$500 which was paid. **Count 2:** Failure to obtain a business tax receipt as he is not recognized as a licensed contractor through the City of Key West. Previous case #18-751 where there was a signed settlement agreement and a fine of \$500 which was paid.

Mark Morales attended the hearing. Officer Doctoche gave testimony that during investigation into social media, Mr. Morales was advertising for contracting work. He was contacted by Officer Doctoche and agreed to do work. He has a previous settlement agreement with the city which included a suspended fine. Since he signed the settlement agreement, he has changed his name to Mark Moore which is on the business card that he provided her in their text messages. As of today, he has removed Officer Doctoche from his social media account. As of today, he does not have a certificate of competency and as of Sept 22, she was able to find an advertisement for Mark Moore where he specializes in seamless gutters. There is no business tax receipt. Mr. Morales gave testimony stating he did not understand the scope of this. The Special Magistrate asked if Mr. Morales has a certificate of competency under Morales, Moore or a business company. He stated he works under a contractor. He was asked if the contractor was here today and he stated no. The Special Magistrate asked why he was advertising under Affordable Roofing if he is working under a contractor. Mr. Morales does not understand what he has done wrong. Officer Doctoche stated on the last case he was working without a permit and not under Gary The Carpenter. Officer Doctoche stated she told him this case was for advertising and acting as a licensed contractor. He never stated he was working under Gary The Carpenter and he sent his own business card to her. The Special Magistrate asked Mr. Morales if this was true and he stated yes. The Special Magistrate stated that was all he needed to know. The Special Magistrate stated there is competent substantial evidence to support a violation for count 1 and 2; and what is the City's pleasure. Officer Doctoche stated the City would like a finding of the violation with \$250 administrative cost, the suspended fine of \$1,000 and \$500 per count for a total of \$2,250. The Special Magistrate said he finds there is a violation with competent substantial evident to support the

violation with proper service on Aug 27, 2018. The cost is \$250 with \$500 per violation with the suspended fine of \$1,000 because it is a repeat violation for a total of \$2,250.

14

Case # 18-1632

Doug Scott

2911 Seidenberg Avenue

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

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

Sec. 18-150 Certificate of competency required

Officer Sophia Doctoche

Hand Served: 9-4-2018

Initial Hearing: 9-26-2018

Settlement Agreement

Count 1: Doug Scott of SSD Contracting was holding himself out for business without a business tax receipt. **Count 2:** Deck work being done without a building permit. **Count 3:** Doug Scott of SSD Contracting is not recognized as a licensed contractor.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 with a fine of \$250 with a suspended fine of \$500 for a total due of \$500.

15

Case #18-1677

Zachary Lee Humphries

916 James Street

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

Officer Sophia Doctoche

Hand Served: 9-21-2018

Initial Hearing: 9-26-2018

Settlement Agreement

Count 1: Doing landscaping work without a business tax receipt.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 were imposed with a fine of \$750 and a suspended fine of \$1,500 for a total due of \$1,000. This settlement agreement encompasses three cases: #18-866, #18-1095, #18-1677.

16

Case # 17-716

Rockwell Property, Inc. - Property Owner

Gregory G. Farrelly - Registered Agent

816 Fleming Street

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

Officer Leonardo Hernandez

Certified Service: 4-13-2018 - Registered Agent

Certified Service: 4-16-2018 - Property Owner

Initial Hearing: 5-30-2018

Continued from 29 Aug 2018

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

Mr. Klitenick attended this hearing as representative for the respondents. Officer Hernandez gave testimony that there has been progress for compliance with the submitting of an application for the variance. The City has no objection to a continuance. Mr. Klitenick gave testimony about the issues with this case that is about the roof. There are issues and they are trying to work out a solution with the Building Department; and they are asking 60 days to get this finalized. The Special Magistrate stated the City does not appear to have an objection and the City agreed. This case will be heard on 28 Nov 2018 code hearing without objection.

17

Case # 18-69

Lam Fong Yin

Tong Yat Hok

2108 Harris Avenue

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

~~Sec. 14-261 Failure to obtain~~ - **Dismissed**

Sec. 14-262 Request for inspection

Officer Leonardo Hernandez

Posted: 4-10-2018

Initial Hearing: 4-25-2018

Continued from 29 Aug 2018 for compliance

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

Lam Fong Yin and her interpreter and helper, the daughter-in-law of Lam Fong Yin, attended this hearing. Officer Hernandez gave testimony that the two violations are not in compliance as of today. The interpreter gave testimony stating they have been working really hard to come into compliance. They have been asked to submit drawings from an Engineer which they have hired to do this. They do have a receipt for the deposit to the engineer. The receipt is dated Sept. 10, 2018. In the midst of this, they have found a buyer who is willing to buy as is. The house will close on 28 Sept 2018. They are asking for a continuance for the house to be sold and the buyer will take over this task. The Special Magistrate stated that what is between the buyer and seller is not the concern of the City. The Special Magistrate requested to see all the receipts. The Finding of Violation was done on 30 April 2018. A lien was never filed because the compliance date was continued. The Special Magistrate stated he is not inclined to continue this case but would consider continuance to 29 Oct 2018. He said they need to be more proactive and the buyer needs to be made aware. Officer Hernandez stated the drawings need to be done for the process of the building permit and without those drawings the permit is not going to be approved. This will be putting the responsibility for this on the new owner as the violations run with the property. The Special Magistrate stated that if the buyer wants to do this it is their problem. The Special Magistrate granted continuance to 29 Oct 2018 and there will be no more continuances on this case. This case will be heard at the 31 Oct 2018 code hearing.

18

Case # 18-536

Brugman Holdings LLC - Owner
Thomas J Sireci, Jr - Registered Agent
10 Hilton Haven Drive C
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Leonardo Hernandez
Certified Service: 5-30-2018 - Owner
Certified Service: 5-23-2018 - Registered Agent
Initial Hearing: 6-27-2018

Continuance granted to 31 Oct 2018

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

The Special Magistrate granted the request to continue this case to 31 Oct 2018.

19

Case # 18-556

Wendall A. Wall
4 Go Lane
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Leonard Hernandez
Certified Service: 5-18-2018
Initial Hearing: 6-27-2018

Continuance granted to 31 Oct 2018

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

The Special Magistrate granted the request to continue this case to 31 Oct 2018.

20

Case # 18-745

Ronit Berdugo - Violator

Brian Behar, ESQ. - Registered Agent

The Oaks Key West LLC - Property Owner

330 Julia Street

Sec. 18-601 License required - **Counts 1 through 36**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - **Counts 37 through 72**Sec. 122-1371 D (9) Transient living accommodations in residential
dwellings; regulations - **Counts 73 through 108**

Officer Leonardo Hernandez

Certified Service: 6-21-2018 - Registered Agent

Posted: 6-28-2018 - Violator/Property Owner

Initial Hearing: 6-27-2018

Repeat Violations**Settlement Agreement**

Counts 1 through 36: Subject property held out for short term rental without the benefit of a transient rental license. **Counts 37 through 72:** Subject property holding out/advertising for short term rental without the benefit of the required city, county and state licensing. Subject property does not have a transient medallion and has not been inspected by the City of Key West Fire Department. **Counts 73 through 108:** Subject property is holding out for transient rental for 27 nights the dates of 3 Jun 2018 thru 30 Jun 2018 for a total of \$3,529.00. Property owner is holding out for transient rental for 9 nights during the dates of June 11, 2018 - June 20, 2018 for a total of \$1,495.05. This is a total of 36 nights of holding out for transient rental.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$150 and a fine of \$1,500 with a suspended fine of \$52,500 for a total due of \$1,750. This was paid in full on 25 Sept 2018.

21

Case # 18-864

Shawarma of Key West, LLC

Nir Chen

413 Greene Street

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

Officer Leonardo Hernandez

Certified Service: 8-15-2018 - Shawarma of Key West, LLC

Certified Service: 8-10-2018 - Nir Chen

Initial Hearing: 9-26-2018

Continuance granted to 31 Oct 2018

Count 1: Failure to obtain a business tax receipt to operate as a food service establishment.

The Special Magistrate granted the request to continue this case to 31 Oct 2018.

22

Case # 18-978

Always Sunny Cleaning

Corrie Jean May

Cynthia Winter

195525 Date Palm Drive

Sec. 66-102 Dates due and delinquent; penalties

Officer Leonardo Hernandez

Posted: 8-13-2018

Initial Hearing: 9-26-2018

In compliance 15 Aug 2018; request dismissal

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

The Special Magistrate granted the request to dismiss this case.

23

Case # 18-979

Computers Are My Life

Mike Mongo

1407 United Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Leonard Hernandez

Certified Service:

Initial Hearing: 9-26-2018

In compliance 8 Aug 2018; request dismissal

Count 1: Failure to renew the business tax receipt which expired 30 Sept 2017.

The Special Magistrate granted the request to dismiss this case.

24

Case # 18-981

G&B Cleaning Service

Omaira Urbay

720 Pardo Circle

Sec. 66-102 Dates due and delinquent; penalties

Officer Leonardo Hernandez

Certified Service:

Initial Hearing: 9-26-2018

In compliance 3 Aug 2018; request dismissal

Count 1: Failure to renew the business tax receipt which expired 30 Sept 2017.

The Special Magistrate granted the request to dismiss this case.

25

Case # 18-988

Cruz's Lawn & Garden Services

Jacqueline D. Bojorge

F6 Cross Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Leonardo Hernandez

Certified Service:

Initial Hearing: 9-26-2018

In compliance 31 Jul 2018; request dismissal

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

The Special Magistrate granted the request to dismiss this case

26

Case # 18-1024

Michael McMahon

100 Admiral Lane

Sec. 18-601 License required - **Counts 1-10**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - **Counts 11-20**Sec. 122-1371 D (9) Transient living accommodations in residential
dwellings; regulations - **Counts 21-30**

Officer Leonardo Hernandez

Posted: 9-4-2018

Initial Hearing: 8-29-2018

Repeat/Irreparable**Continued from 29 Aug 2018**

Counts 1-10: On July 16, 2018 found the property to be advertised on VRBO.com hosted by Michael McMahon and pre-booked it for 5 nights at a nightly rate of \$596.95 with a service fee of \$180.00 for a total of \$3,164.73 from August 23rd to August 28th, 2018. Previous cases with pending fines #17-166 (02.02.2017), #17-1154 (08.03.2017) & #17-1187 (08.11.2017). **Counts 11-20:** The subject property is holding out/advertising for short term rental without the benefit of the required city, county and state licensing. The subject property does not have a transient medallion and has not been inspected by the City of Key West Fire Department. **Counts 21-30:** July 20, 2018 the subject property was advertised by the host, Michael McMahon on VRBO.com again for the dates of August 28 through September 2, 2018 for a total of \$3,164.73.

Mr. McMahon did not appear. The Special Magistrate stated he has sued Mr. McMahon. Officer Hernandez gave testimony that Mr. McMahon has been advertising on the website VRBO.com and he was able to rent this property for 10 nights. This property does not have a transient license. Mr. McMahon has been cited in at least 7 previous cases for this and as such for this case these are repeat and irreparable violations. The Special Magistrate stated the respondent has been given proper notice and has failed, refused or neglected to appear. There appears to be competent substantial evidence to support the findings of the code violations which are 30 counts. The City is requesting a finding of the violation because of its nature of being irreparable of \$5,000 for each violation of which there are three which will be \$15,000 and court cost of \$250 for a total of \$15,250.00. The Special Magistrate finds that there is a violation with \$250 court cost and \$5,000 per violation for a total of \$15,250.00.

27

Case # 18-1040

JC Electric of the Fla Keys
Juan Carlos Manuel - Qualifier
Consolidated Environmental LLC
3343 Flagler Avenue
Sec. 14-261 Failure to obtain
Sec. 14-262 Request for inspection
Sec. 18-117 Acts declared unlawful
Officer Leonardo Hernandez
Posted: 8-21-2018
Initial Hearing: 9-26-2018

Settlement Agreement

Count 1: Failure to obtain required electrical permit. **Count 2:** Failure to obtain electrical inspection. **Count 3:** Failure to complete and have required inspections for work performed.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 with a fine of \$500 for a total due of \$750. This was paid in full on 25 Sept 2018.

28

Case # 18-1113

Federal National Mortgage Association

2811 Staples Avenue

Sec. 90-363 Certificate of occupancy - Required - **Dismissed**

Sec. 58-61 Determination and levy of charge

FBC P2503.1 Inspections

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

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

Officer Leonardo Hernandez

Certified Service: 8-6-2018

Initial Hearing: 8-29-2018

Continuance granted to 31 Oct 2018 for compliance

Count 1: ~~For failure to obtain a certificate of occupancy for second unit.~~ -

Dismissed **Count 2:** For failure to obtain utility accounts for second unit.

Count 3: For failure to obtain inspections for plumbing work. **Count 4:**

For failure to obtain building permits for the kitchen, storage room, wall siding and ceiling work that was done. **Count 5:** For failure to obtain

required business tax receipt to rent non-transiently.

The Special Magistrate granted the request to continue this case to 31 Oct 2018.

29

Case # 18-1196

Hoover and Hoover LLC

Deanne Hoover

605 Angela Street

Sec. 18-601 License required - **Counts 1-28**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Counts 29-56**Sec. 122-1371 SUB (8) Transient living accommodations in residential dwellings; regulations - **Counts 57-84**

Officer Leonardo Hernandez

Certified Service: 8-28-2018 - Hoover and Hoover, LLC

Initial Hearing: 9-26-2018

Repeat Violations**Settlement Agreement****Counts 1-28:** Failure to obtain a business tax receipt for short-term rental of a residential property. Repeat violation Case# 17-1296.**Counts 29-56:** Failure to obtain the required city, county and state licensing. Subject property does not have a transient medallion and has not been inspected by the City of Key West Fire Department. Repeat violation Case#17-1296. **Counts 57-84:** Property owner is holding out for transient rental for 28 nights from 1 Sept 2018 through 29 Sept 2018 for a total of \$11,336.50 without a business tax receipt. Repeat violation Case# 17-1296.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 and a fine of \$1,500 with a suspended fine of \$40,250 for a total due of \$1,750. This was paid in full on 19 Sept 2018.

30

Case # 18-1208

Shawn Cowles & Adele Williams

1216 White Street

Sec. 18-601 License required - **Counts 1-10**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - **Counts 11-20**Sec. 122-1371 SUB D (9) Transient living accommodations in residential
dwellings; regulations - **Counts 21-30**

Officer Leonardo Hernandez

Certified Service: 9-5-2018

Initial Hearing: 9-26-2018

Repeat Violations**Settlement Agreement****Count 1-10:** Subject property held out for short term rental without the benefit of a transient rental license. Repeat violation Case# 14-613.**Counts 11-20:** Subject property owner is holding out/advertising for short term rental without the benefit of the required city, county and state licensing. The subject property does not have a transient medallion and has not been inspected by the City of Key West Fire Department.Repeat violation Case #14-613. **Counts 21-30:** The subject property is holding out/advertising for 10-night stay from 1 Sept 2018 through 11 Sept 2018 for a total of \$2,319.28. Repeat violation Case# 14-613.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 and a fine of \$3,500 with a suspended fine of \$11,500 for a total due of \$3,750.

31

Case # 16-720

Trevor Cook
Elizabeth Fuller
908 Packer Street
Sec. 62-2 Obstructions
Officer Beau Langford
Certified Service: 6-21-2018
Initial Hearing: 6-27-2018

Continued from 25 Jul 2018 for compliance

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

Richard McChesney attended this hearing as representative of the respondents. Officer Langford gave testimony that they have been submitting all permits and have had one issue with the propane tank. This case begun with an easement for the fence for this property and the city found out that in order to provide the easement the propane tank needed to be moved and this is the issue now. There has been a new propane tank company applying for the permit and this needs to go through the Plans Review process. Officer Langford wanted to state that once the propane tank is taken care of this case will not be in compliance as the ultimate outcome of the easement before compliance can be fully achieved on this property. Mr. McChesney gave testimony stating the easement will need to go in front of the Commission. He stated he is fine with a 30 days continuance to check in to see where we are at with this case with the understanding that we will possibly need more time for the scheduling of the easement with the City Commission. The Special Magistrate asked if the city has any objection and Officer Langford said no. The Special Magistrate granted the request for a 30 day continuance and set this case for the 31 Oct 2018 code hearing.

32

Case # 16-1570

Robert Reilly

Nicola Roques

1535 5th Street

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

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

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

Single-family

Officer Beau Langford

Certified Service: 10-16-2017

Initial Hearing: 11-15-2017

Continued from 29 Aug 2018 for compliance

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

Robert Reilly attended the hearing. Officer Langford gave testimony that this is a compliance hearing and the permits are in Plans Review. Officer Langford asks for a 30 days continuance. Mr. Reilly gave asked for a 60 day continuance. The Special Magistrate stated that this case is relatively old and he wants to make sure that everything is moving right along. The Special Magistrate set the continuance for compliance to 29 Oct 2018 with the hearing date for 31 Oct 2018.

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 Beau Langford

Certified Service: 5-16-2017

Initial Hearing: 7-26-2017

Continuance granted to 19 Dec 2018

Counts 1 - 7: During a routine investigation of the online website www.airbnb.com, the subject property was held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 1 June 2017 through 8 June 2017.

The Special Magistrate granted the request to continue this case to 19 Dec 2018.

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 Beau Langford

Certified Service: 5-16-2017

Initial Hearing: 7-26-2017

Continuance granted to 19 Dec 2018

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

The Special Magistrate granted the request to continue this case to 19 Dec 2018.

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 Beau Langford

Certified Service: 5-22-2017

Initial Hearing: 7-26-2017

Continuance granted to 19 Dec 2018

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

The Special Magistrate granted the request to continue this case to 19 Dec 2018.

36

Case # 17-746

AIRBNB, Inc. - Registered Agent

Brian Chesky - CP

Lawyers Incorporating Services 2710

1207 Florida Street

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d) (9) - Counts 1 thru 4Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d) (9) - Count 5

Officer Beau Langford

Certified Service: 5-22-2017

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

Initial Hearing: 7-26-2017

Continuance granted to 19 Dec 2018

AIRBNB, Inc.: Counts 1-4: During a routine investigation of the online website www.airbnb.com, the subject property held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 4 nights for the dates of 1 July 2017 through 5 July 2017 for a total of \$551.00. **Count 5:** For unlawful holding out or advertising of a transient rental by an owner, tenant, broker, realtor, agent or other representative of the owner if the property is not permitted.

The Special Magistrate granted the request to continue this case to 19 Dec 2018.

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 Beau Langford

Certified Service: 5-22-2017

Initial Hearing: 7-26-2017

Continuance granted to 19 Dec 2018

Counts 1-7: During a routine investigation of the online website www.airbnb.com, the subject property held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 1 June 2017 through 8 June 2017 for a total of \$808.00.

The Special Magistrate granted the request to continue this case to 19 Dec 2018.

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)

Officer Beau Langford

Certified Service: 11-15-2017 Amended Notice

Initial Hearing: 7-26-2017

Continuance granted to 19 Dec 2018

Counts 1-7: The subject property was held out/advertised by the respondent for transient rental for 7 nights the dates of 19 June 2017 through 26 June 2017 for a total of \$834.00

The Special Magistrate granted the request to continue this case to 19 Dec 2018.

39

Case # 18-06

Brian Sharples - Director - **Counts 3 through 20**
Corporation Service Company - Registered Agent
D/B/A CSC - Lawyers Inc. - **Counts 3 through 20**

Michael J McMahon - **Counts 1 through 20**

107 Front Street Unit 217

Sec. 18-601 License required - **Irreparable**

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

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

Officer Beau Langford

Certified Service: 1-12-2018 - Brian Sharples

Certified Service: 1-17-2018 - Corporate Service Company

Certified Service:

Initial Hearing: 2-28-2018

Continuance granted to 28 Nov 2018

Count 1: During a routine inspection, found a black Cadillac parked in the subjects parking space. Made contact with Frances and Valerie Sirotzki inside the unit. Mrs. Sirotzki forwarded the rental agreement along with all correspondence between the couple, HomeAway and Michael J McMahon. Rental agreement was for 18 nights, dates of 19 Dec 2017 through 6 Jan 2018 for a total of \$21,787.66. **Count 2:** The subject property has not had the requisite fire inspection. Owner has not provided the requisite TDC tax account with Monroe County Tax Collector or DBPR licensing information. There is no medallion for this property. **Counts 3 through 20:** The subject property owner is holding out for transient rental for 18 nights, the date of 19 Dec 2017 through 6 Jan 2018 for a total of \$21,787.66.

The Special Magistrate granted the request to continue this case to 28 Nov 2018.

40

Case # 18-856

Jose Alonzo
2803 Harris Avenue
Sec. 66-102 Dates due and delinquent; penalties
Officer Beau Langford
Certified Service: 7-27-2018
Initial Hearing: 9-26-2018

In compliance 24 Aug 2018; request dismissal

Count 1: Subject business owner has not renewed their license which expired 30 Sept 2017.

The Special Magistrate granted the request to dismiss this case

41

Case # 17-1203

Browning Family Irrevocable Trust
Michael Leo Browning
1300 White Street
Sec. 78-126 Required
Sec. 78-91 Required
Officer Jorge Lopez
Posted: 7-2-2018
Initial Hearing: 6-27-2018

Continuance granted to 31 Oct 2018

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

The Special Magistrate granted the request to continue this case to 31 Oct 2018

42

Case # 17-1213

Erwin Mayer & Didier R Moritz - property owner

1300 15th Court Lot 77

Sec. 90-363 Certificate of Occupancy - required

Sec. 58-61 Determination and levy of charge

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

Officer Jorge Lopez

Certified Service: 11-16-2017

Initial Hearing: 12-20-2017

Continuance granted to 31 Oct 2018

Count 1: For failure to obtain a certificate of occupancy for the addition that was built. **Count 2:** For failure to pay impact fees related to utilities.

Count 3: For failure to obtain building permits for the addition to the trailer and for the installed plumbing.

The Special Magistrate granted the request to continue this case to 31 Oct 2018.

43

Case # 17-1579

Home Depot U.S.A. Inc.
Corporation Service Company - Registered Agent
2811 North Roosevelt Boulevard
Sec. 26-192 Unreasonably excessive noise prohibited
Officer Jorge Lopez
Certified Service: 6-15-2018
Initial Hearing: 7-25-2018

Continued from 25 Jul 2018

Count 1: Noise complaint was investigated and the noise emanating from the subject property on 8 Jan 2018 was 83.9 Decibels which exceeds the noise limitation of 77 Decibels. As of this date, the subject property has not scheduled a sound reading to check that the noise level is within the limits set forth by the ordinance.

Anwar Dudley attended as representative for Home Depot. **Officer Lopez** gave testimony that Home Depot requested 90 days continuance previously to put in a new order as the first time they installed foam and equipment this did not bring them into compliance. They ordered new equipment and are waiting for the second order. They are being proactive. **Mr. Dudley** gave testimony stating that the installation company gave an ETA of about three weeks for the product to be obtained. If the product comes in on time they should be ready by the next hearing. The permits have not been applied for as of yet **Officer Lopez** stated. The Special Magistrate asked if there is an objection for continuance and **Officer Lopez** stated no. The Special Magistrate granted the request for a 30 day continuance to the 31 Oct 2018 code hearing.

44

Case # 18-241

Theresa Cioffi

Wilmington Trust Company

CT Corporation System

3222 Riviera Drive

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

Sec. 122-238 Dimensional requirements

Sec. 90-363 Certificate of occupancy - Required

Sec. 58-61 Determination and levy of charge

Sec. 26-32 Nuisance illustrated

Officer Jorge Lopez

Certified Service: 6-15-2018 - CT Corporation System

Certified Service: 7-17-2018 - Theresa Cioffi

Initial Hearing: 5-30-2018

Continuance granted to 31 Oct 2018

Count 1: Observed the roof built in the setbacks and a detached dwelling that the city does not recognize which did not have the required permits and inspections. **Count 2:** The roof is located in the rear side of the subject property in the setbacks. **Count 3:** The detached unit located in the rear side of the property has not been issued the requisite certificate of occupancy. **Count 4:** This unit has not paid impact fees related to utilities. **Count 5:** Observed the pool with stagnant water.

The Special Magistrate granted the request to continue this case to 31 Oct 2018.

45

Case # 18-392

Silver KW, Inc.

Alon Croitoru - Registered Agent

137 Duval Street 141

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

Sec. 14-40 Permits in historic districts

Sec. 114-103 Prohibited signs

Sec. 2-939 Licenses

Officer Jorge Lopez

Certified Service: 6-11-2018

Initial Hearing: 5-30-2018

City Requesting Continuance

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

The Special Magistrate granted the city's request to continue this case for 30 days as the respondent is not here. This case will be heard at 31 Oct 2017 code hearing

46

Case # 18-668

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

Sec. 14-262 Request for inspection

Officer Jorge Lopez

Posted: 7-18-2018

Initial Hearing: 7-25-2018

Continued from 29 Aug 2018

Count 1: Speakers and lights installed on the exterior of the building without obtaining required permits. **Count 2:** Speakers and lights installed on the exterior of the building without obtaining certificate of appropriateness. **Count 3:** Speakers and lights installed at the subject property without the required permits and inspections.

The respondent did not appear. Officer Lopez gave testimony that the Building Department, HARC and himself met with Mr. Walsh today and went over the plans with him. He understands that what is there now is not what he previously applied for. Mr. Walsh will get the after-the-fact permits for the lights for which he applied for this morning. The city is requesting a finding of the violations with \$250 administrative costs and \$250 per count per day if not in compliance by 29 Oct 2018. The Special Magistrate stated the respondent has been properly noticed as he was here for the last hearing for this. The Special Magistrate finds that there is a finding of the violation and will impose a court cost of \$250 and a fine \$250 per day per violation if not in compliance by 29 Oct 2018. The court hearing will be set for 31 Oct 2018.

47

Case # 18-673

John Cameron

Lara Schmidt

620 Thomas Street 178

Sec. 14-325 Permit required - In compliance 26 Sept 2018; Request dismissal**Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - In compliance 26 Sept 2018; Request dismissal****Sec. 14-40 Permits in historic districts - In compliance 26 Sept 2018; Request dismissal**

Sec. 14-262 Request for inspection

Officer Jorge Lopez

Certified Service: 6-28-2018

Initial Hearing: 7-25-2018

Continued from 25 Jul 2018**Count 1:** Installation of the HVAC system without required permit.**Count 2:** The HVAC system was installed without required mechanical permit. **Count 3:** HVAC system was installed without certificate of appropriateness. **Count 4:** HVAC installed without required permits and inspections.

John Cameron attended the hearing. The Special Magistrate stated there was compliance for counts 1 through 3. Officer Lopez asked that Mr. Cameron speak first. Mr. Cameron stated that he had his inspection today and there were issues. His contractor should be able to fix these issues before the next code hearing. He is requesting a continuance to the next meeting. Officer Lopez stated there is no objection from the City as Mr. Cameron has been very proactive. The Special Magistrate stated there is no objection and granted the request for continuance to 31 Oct 2018.

48

Case # 18-675

Victor & Cynthia Mills

1202 White Street

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

Sec. 14-325 Permit required - **City request dismissal**Sec. 14-262 Request for inspection - **City request dismissal**

Officer Jorge Lopez

Certified Service: 6-6-2018

Initial Hearing: 6-27-2018

Continued from 27 Jun 2018

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

Victor Mills attended this hearing. Officer Lopez gave testimony that on May 10 drywall was being put up without permits. On June 19, Mr. Mills came in requesting a continuance to Sept. 26 which was granted. Mr. Mills submitted the application on Sept. 14. for the drywall. Officer Lopez stated he did not have enough evidence for counts 2 and 3. The Special Magistrate stated counts 2 and 3 will be dismissed. Mr. Mills gave testimony that he gave the key to the building to someone that wanted to rent the place. He had no idea he would go in there and do this work. There was a permit a long time about but none for the work that was done. The Special Magistrate asked for the City's pleasure. Officer Lopez stated the city would like a finding of the violation with \$250 administrative costs and \$250 a day until in compliance. Officer Lopez stated he spoke with the Building Department this morning and they are requesting a floor plan in order for them to process the application. The Special Magistrate stated there is competent substantial evidence to support that there is a violation and basically Mr. Mills admitted it. There will be \$250 administrative cost with a \$250 per day fine with compliance by 29 Oct 2018. Mr. Mills asked for more time and the Special Magistrate said he wanted to make sure Mr. Mills is moving the process. Mr. Mills can certainly request more time but the Special Magistrate wanted to make sure that Mr. Mills stays on task with this. The compliance hearing will be held on 31 Oct 2018.

49

Case # 18-755

Joseph Humberger

421 United Street

Sec. 122-630 Dimensional requirements - **Dismissed**Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **Dismissed**Sec. 14-40 Permits in historic districts - **Dismissed**Sec. 14-262 Request for inspection - **Dismissed**

Sec. 26-192 Unreasonably excessive noise prohibited

Officer Jorge Lopez

Certified Service: 7-13-2018

Initial Hearing: 8-29-2018

In compliance 14 Sept 2018; fees pending

~~Count 1: Structures (2 aviaries) built are in the setback and will need either a variance or to relocate 20 feet back from rear property line. - Dismissed~~ **Count 2:** Failure to obtain an electrical permit for the placement of a camera installed on the second floor of the subject property. - Dismissed **Count 3:** Failure to obtain a certificate of appropriateness for the installation of a camera on the second floor of the subject property. - Dismissed **Count 4:** The camera installed on the subject property's second floor needs an electrical inspection. - Dismissed **Count 5:** A noise complaint was filled out for disturbing noise emanating from multiple birds at the subject property and upon investigation this was found to be a disturbing noise.

This case came into compliance on 14 Sept 2018. This case has fees pending of \$250 for administrative costs. Officer Lopez stated that Mr. Humberger told him he will pay on Oct. 1, 2018. The Special Magistrate continued this case to 31 Oct 2018 for pending fees.

50

Case # 18-763

Capt. Tony's Key West Bar, Inc.

Joseph Faber - Registered Agent

428 Greene Street

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

Sec. 14-40 Permits in historic districts

Sec. 18-117 Acts declared unlawful

Officer Jorge Lopez

Posted: 9-19-2018

Initial Hearing: 9-26-2018

In compliance 25 Sept 2018; request dismissal

Count 1: Failure to obtain the required building permits for installation of a new door. **Count 2:** Failure to obtain the certificate of appropriateness from HARC. **Count 3:** The installation of a new door was performed by an unlicensed contractor.

The Special Magistrate granted the request to dismiss this case.

51

Case # 18-785

Eithne Dunne

John Dunne

Josephine Dunne

1506 Rose Street

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

Sec. 14-262 Request for inspection

Officer Jorge Lopez

Certified Service: 9-21-2018

Initial Hearing: 9-26-2018

Continuance granted to 31 Oct 2018

Count 1: Electrical outlets and sliding glass doors installed without permits. **Count 2:** Failure to obtain electrical inspection.

The Special Magistrate granted the request to continue this case to 31 Oct 2018.

52

Case # 18-1175

Circle K Stores Inc.

Corporation Service Company - Registered Agent

1890 North Roosevelt Boulevard

Sec. 74-32 Discharges to natural outlets

Officer Jorge Lopez

Certified Service: 8-21-2018 - Corporation Service Company

Initial Hearing: 9-26-2018

Irreparable & Repeat Violation**In compliance 26 Sept 2018; request dismissal**

Count 1: Observed car wash overflowing purple water into the property's storm drain. This business was cited previously and a settlement agreement was completed for Case# 16-1587.

The Special Magistrate granted the request to dismiss this case.

53

Case # 18-1177

Victor & Cynthia Mills

1204 White Street

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

Officer Jorge Lopez

Certified Service:

Initial Hearing: 9-26-2018

New Case

Count 1: Failure to obtain building permits for drywall work.

Victor Mills attended this hearing. Officer Lopez gave testimony that Mr. Mills was hand-served on Aug. 13, 2018 when he came in to apply for the 1st permit for 1202 White St. Officer Lopez stated we received a complaint that drywall was installed after the hurricane last year without permits. Mr. Mills stated to Officer Lopez that he did not get a permit for the drywall. Mr. Mills stated that was correct. Mr. Mills stated that water came in during the hurricane and damaged the drywall. He did replace about 3 - 4 sheets of drywall without a permit. The Special Magistrate stated that it was found that there is competent substantial evidence by Mr. Mills' own admission. There will be \$250 administrative costs with \$250 a day fine with compliance by 29 Oct 2018. The compliance hearing will be 31 Oct 2018.

54

Case # 18-1186

George Michael Perrone

1405 Truman Avenue

Sec. 18-150 Certificate of competency required

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

Officer Jorge Lopez

Certified Service: 8-31-2018

Initial Hearing: 9-26-2018

In compliance 21 Sept 2018; Request Finding of Violation with Administrative Fee and No Fine

Count 1: Failure to obtain a certificate of competency for engaging in the business of a contractor. **Count 2:** Failure to obtain a business tax receipt as a licensed contractor.

The respondent did not appear. Officer Lopez gave testimony that the City is requesting a finding of the violation as Mr. Perrone was advertising on Key West Yard Sale as Michael Russo and would do services such as electrical; plumbing, siding, roofing and painting work. Officer Lopez met with Mr. Perrone who stated he would do work as soon as possible without a permit for him. Mr. Perrone has removed the advertising on Facebook but still has the account on Key West Yard Sale and that is why the City is asking for a finding of the violation. The Special Magistrate stated the respondent has had proper notice and there is competent substantial evidence to support a violation. The Special Magistrate imposed a \$250 administrative cost with no fine.

55

Case # 18-794

Christopher H. Wardlow

1007 United Street B

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

Sec. 14-40 Permits in historic districts

Sec. 18-150 Certificate of competency required

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

Officer Paul Navarro

Hand Served: 9-12-2018

Posted: 8-23-2018

Initial Hearing: 9-26-2018

New Case

Count 1: Failure to obtain a required building permit for construction of a pit. **Count 2:** Failure to obtain a certificate of appropriateness for the pool project. **Count 3:** Failure to obtain a required certificate of competency as a licensed contractor. **Count 4:** Failure to obtain a business tax receipt as a licensed contractor.

The respondent did not appear. Officer Navarro gave testimony that a Stop Work Order was placed at this property for a pit being dug for a pool without a permit as the permit was in simultaneous plans review from Calulaco Construction. Officer Navarro met with Calulaco Construction and they stated that Christopher Wardlow had dug the pit before they started working at the property. They called Mr. Wardlow and he admitted that he had dug the pit. On that day, Officer Navarro gave Mr. Wardlow a Notice of Code Violation. On Aug. 23, a Notice of Hearing was posted and mailed to Mr. Wardlow. The property owner provided Officer Navarro with a statement that Mr. Wardlow is the general contractor for his property and he was unaware that he was unlicensed. The City is asking for Counts 1 and 2 to be dismissed. The Special Magistrate stated that the respondent is not here and he had proper notice, he will dismiss them without objection. For counts 3 and 4, the city would like finding of the violation with \$250 administrative costs and \$250 per count. The Special Magistrate stated there is proper notice in this case with competent substantial evidence to support a finding of the violation with \$250 court cost and \$250 per count for two counts. Director Young stated that there is no compliance date as Calulaco Construction got the permits and the only way that Mr. Wardlow can come into compliance is if he stops acting as a contractor or get his contracting license back which was suspended by the state. The Special Magistrate stated that there is nothing he can do now to come into compliance so this is as ordered.

56

Case # 18-1004

Rosalina Cabrera De Alonso
2803 Harris Avenue
Sec. 108-680 Recreational vehicles and boats
Sec. 108-681 Camping vehicles and equipment
Officer Paul Navarro
Certified Service:
Initial Hearing: 9-26-2018

In compliance 26 Sept 2018; Request dismissal

Count 1: Failure to have recreational vehicle stored in the side or rear yard. **Count 2:** Failure to have recreational vehicle parked within the rear yard.

The Special Magistrate granted the request to dismiss this case.

57

Case # 17-1198

Harold J Merritt II

Marianne L Csigi

1301 Atlantic Drive

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **City request dismissal**

Sec. 90-363 Certificate of Occupancy - required - **City request
dismissal**

Sec. 58-61 Determination and levy of charge - **City request dismissal**

Sec. 14-262 Request for inspection - **City request dismissal**

FBC 1612.4 & ASCE 24-05 Floor hazard construction

FBC 1612.5; ASCE 24-05 Sec 2.6 Flood venting required

FBC 301.16 Flood hazard

Director Jim Young

Certified Service: 10-23-2017

Initial Hearing: 12-20-2017

Continuance granted to 31 Oct 2018

Count 1: For failure to obtain building permits to convert the shed into habitable space. **Count 2:** For failure to obtain a Certificate of Occupancy for the shed. **Count 3:** For failure to obtain a solid waste account for shed. **Count 4:** For failure to obtain an electrical inspection for installing electric in the storage area/habitable space below the house for the window air conditioners. **Count 5:** For the construction of habitable space under the elevated home in a flood zone for use other than the permitted uses for storage, parking or access to higher building levels. **Count 6:** For failure to provide adequate flood venting for a substantially improved residential building located in the AE-8 flood zone. **Count 7:** Electrical appliances have been installed below the minimum flood safety elevation.

The Special Magistrate granted the request to continue this case to 31 Oct 2018.

Liens

58

Case #18-1689

Antonia German, Jr
1075 Duval Street, C5&6
Sec. 42-1 Offenses under state law (c) (1)
Certified Service:
Initial Hearing: 9-26-2018

Request continuance for good service

Mr. German attended the hearing. Mr. German would like to pay the citation. Director Young asked if we could continue to next month for status. The Special Magistrate granted the request to continue this case to 31 Oct 2018 for status.

Mitigations

59

Case # 18-247

Juan Betancur
291 Front Street, Suite 112

Mr. Klitenick attended this hearing as representative for the respondent for mitigation. Mr. Klitenick gave testimony stating the case came into compliance within 20 days and am asking for 90% reduction. This is a \$10,000 fine and am asking for a reduction to \$1,000. Officer Charles represents the City and he stated the City does not object to the request. The Special Magistrate asked if it is within the 90% reduction and Director Young stated it was. The Special Magistrate stated without objection we will mitigate the fine down to \$1,000. The total due is \$1,250.

Adjournment