



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

Code Compliance Hearing

Wednesday, February 27, 2019

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 # 18-280

Robert Janicki

1205 11th Street

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

Sec. 14-262 Request for inspection

FBC P2503.1 Inspections

FBC 1612.4 Flood Hazard Construction

Sec. 18-117 Acts declared unlawful

Officer Bonnita Badgett

Certified Service: 5-18-2018

Initial Hearing: 5-30-2018

Continuance granted to 27 Mar 2019 for compliance

Count 1: Building, electrical and plumbing work being done without the benefit of a permits. **Count 2:** Failure to request electrical inspection for work being done without the benefit of a permit. **Count 3:** Failure to request plumbing inspections for work being done without the benefit of a permit. **Count 4:** The new rear room in the main house, the tiki hut and shed shall comply to the ordinance for structures located in the flood hazard areas. **Count 5:** Cease using an unlicensed contractor.

The Special Magistrate granted the request to continue this case to 27 Mar 2019.

2

Case # 18-2101

Gold Empire U.S.A. / Orogold

Zohar Alon

Nir Chen

518 Duval Street

Sec. 18-705 Requirements of permit holder (3) written statement

Sec. 18-705 Requirements of permit holder (2) prices on each item

Officer Bonnita Badgett

Certified Mail: 2-5-16 - Nir Chen

Certified Mail: 2-5-2019 - Zohar Alon

Initial Hearing: 2-27-2019

Continuance granted to 27 Mar 2019 - Repeat Violations

Count 1: Failure to furnish to the customer a written statement showing the final total cost of the item or service. - Repeat violation reference Code Case#18-1157. **Count 2:** Failure to clearly display each cosmetic item offered for sale with each item bearing a sale price posted directly on the item. - Repeat violation reference Code Case# 18-1994.

The Special Magistrate granted the request to continue this case to 27 Mar 2019

3

Case # 19-73

Gold Empire USA, LLC.

Zohar Alon

Nir Chen

518 Duval Street

Sec. 18-705 (3) Requirements of permit holder

Officer Bonnita Badgett

Certified Mail: 2-5-2019 - Zohar Alon

Certified Mail: 2-5-2019 - Nir Chen

Initial Hearing: 2-27-2019

Continuance granted to 27 Mar 2019 - Repeat Violation

Count 1: Failure to furnish to the customer a written statement showing the final cost of the item or service. Repeat violation Case# 18-1157.

The Special Magistrate granted the request to continue this case to 27 Mar 2019.

4**Case # 19-105**

Gold Empire USA/Orogold
Zohar Alon, AMBR
Nir Chen, AMBR
518 Duval Street
Sec. 18-705 Requirements of permit holder (3)
Officer Bonnita Badgett
Certified Mail: 2-1-2019 - Nir Chen
Certified Mail: 2-1-2019 - Zohar Alon
Initial Hearing: 2-27-2019

Continuance granted to 27 Mar 2019 - Repeat Violation

Count 1: Failure to give a written statement showing the final cost of the item or service before applying cream to a customer.

e Special Magistrate granted the request to continue this case to 27 Mar 2019.

5**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: 7-28-2018
Initial Hearing: 9-26-2018

In compliance 27 Feb 2019; Request dismissal

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 dismiss this case.

6**Case # 18-1064**

Heron House Court

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

Continued from 30 Jan 2019 for compliance**Count 1:** Failure to obtain a building permit for putting in a new fence.

The Respondent did not appear. Officer Doctoche gave testimony that as of this morning the fence is still up. The City request that fines start running for \$250 per day until the fence is demolished. The Special Magistrate stated there will be a \$250 fine per day starting 27 Feb 2019 for failure to come into compliance

7

Case # 18-1963**Mark Morales - Repeat for Counts 1 & 2**

Julie Moore

1600 Josephine 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

Posted: 1-8-2019 - Mark Morales

Posted: 1-8-2019 - Julie Moore

Initial Hearing: 12-19-2018

Continued from 30 Jan 2019

Count 1: Doing roof work without the benefit of a certificate of competency. **Count 2:** Failure to obtain a business tax receipt from the City of Key West.

The respondents did not appear. Officer Doctoche gave testimony stating that Mr. Morales and Ms. Moore were incarcerated. Officer Doctoche stated that she observed Mr. Morales leaving 1600 Josephine St. on Oct. 21. She spoke with the property owner and confirmed that Mr. Morales and Ms. Moore were his contractors and Gary the Carpenter had pulled the permit for him. On Oct. 21, this was the only time that Mr. Morales showed up at this property. Mr. Morales has a previous case with Code and does have repeat violations. The City would like a Finding of the Violation with \$250 administrative costs with Mark Morales being a repeat violator for \$500 per count and Julie Moore being a first time violator for \$250 per count. The Special Magistrate imposed a \$250 administrative costs with \$500 per count for Mark Morales and \$500 per count for Julie Moore as the fact that she is a first time violator should have no bearing on what the fines should be.

8

Case # 18-1969

Gary the Carpenter
Gary Burchfield - Registered Agent
1600 Josephine Street
Sec. 18-117 Acts declared unlawful
Officer Sophia Doctoche
Certified Mail: 11-16-2018
Initial Hearing: 12-19-2018

Settlement Agreement

Count 1: Obtaining permits for an unlicensed person to do roofing work.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 administrative fee with a suspended fine of \$250 for a total due of \$250 which was paid on 11 Feb 2019. This case is in compliance.

9

Case # 18-1972

Mark Morales - **Repeat for Counts 1 & 2**

Julie Moore
824 Center 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
Posted: 1-8-2019 - Mark Morales
Posted: 1-8-2019 - Julie Moore
Initial Hearing: 12-19-2018

Continued from 30 Jan 2019

Count 1: Doing roof work without the benefit of a certificate of competency. **Count 2:** Failure to obtain a business tax receipt from the City of Key West.

The respondents did not appear. Officer Doctoche gave testimony that the work never began. On Nov. 11, 2018, DBPR contacted her that they had received a complaint from the property owner. The supplies were dropped off but Mr. Morales never returned. Checks were made out to both Mr. Morales and Ms. Moore with each receiving \$7,750. The City requests \$250 administrative fee with \$500 per count for Mr. Morales and \$250 per count for Ms. Moore. The Special Magistrate imposed a \$250 administrative fee with \$500 per count for Mark Morales and \$500 per count for Ms. Moore for the violations.

10

Case # 18-1974

Gary the Carpenter
Gary Burchfield
516 Olivia Street
Sec. 18-117 Acts declared unlawful
Officer Sophia Doctoche
Certified Mail: 11-16-2018
Initial Hearing: 12-19-2018

Settlement Agreement

Count 1: Obtaining permits for an unlicensed person to do roofing work.

A settlement agreement was presented to the Special Magistrate which he approved. Administrative costs of \$250 and a fine of \$250 for a total due of \$500 which was paid on 11 Feb 2019. This case is in compliance.

11

Case # 18-1979

Julie Moore
Mark Morales - **Repeat for Counts 1 & 2**
516 Olivia 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
Posted: 1-8-2019 - Julie Moore
Posted: 1-8-2019 - Mark Morales
Initial Hearing: 12-19-2018

Continued from 30 Jan 2019

Count 1: Doing roof work without the benefit of a certificate of competency. **Count 2:** Failure to obtain a business tax receipt from the City of Key West.

The respondents did not appear. Officer Doctoche gave testimony that Mr. Morales and Ms. Moore had a contract drawn up for Affordable Roofing and had a check for \$5,500.00. The City requests \$250 administrative fee with \$500 per count for Mark Morales and \$250 per count for Julie Moore. The Special Magistrate imposed \$250 administrative costs with \$500 per count for Mark Morales and \$500 per count for Julie Moore.

12

Case # 18-2014

Mark Morales

1118 Petronia Street

Sec. 18-150 Certificate of competency required - **Repeat**Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business - **Repeat**

Officer Sophia Doctoche

Certified Mail: 12-21-2018

Initial Hearing: 12-19-2018

Continued from 30 Jan 2019 - Repeat Violations

Count 1: Holding himself out as a contractor without a current certificate of competency. - **Repeat.** **Count 2:** Failure to obtain a business tax receipt with the City of Key West. - **Repeat.**

The respondents did not appear. Officer Doctoche gave testimony that this complaint came from the State Attorney investigator Frank Zamora that he received a complaint from Tracy Howanitz, son-in-law of Annie Williams who owns 1118 Petronia St. She gave Mr. Morales \$5,000.00 for work to be performed but no permits were applied for and no work began. The City requests \$250 administrative costs and \$500 per count. The Special Magistrate imposed \$250 administrative fee and \$500 per count.

13

Case # 18-2016

Mark Morales

1120 Petronia Street

Sec. 18-150 Certificate of competency required - **Repeat**Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business. - **Repeat**

Officer Sophia Doctoche

Certified Mail: 12-21-2018

Initial Hearing: 12-19-2018

Continued from 30 Jan 2019 - Repeat Violations

Count 1: Holding himself out as a contractor without the benefit of a certificate of competency. - **Repeat.** **Count 2:** Failure to obtain a business tax receipt with the City of Key West. - **Repeat.**

The respondent did not appear. Officer Sophia Doctoche gave testimony that Annie Williams put in a complaint with DBPR that same time she put in a complaint for 1118 Petronia St. She paid \$1,850.00 to Mark Morales. The City request \$250 administrative fee and \$500 per count. The Special Magistrate imposed the \$250 administrative fee and \$500 per count.

14

Case # 19-67Mark Morales - **Repeat for Counts 1 & 2**

Julie Moore

908 Trinity Drive #5

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 Serviced: 1-19-2019 - Mark Morales

Hand Serviced: 1-19-2019 - Julie Moore

Continued from 30 Jan 2019

Count 1: Holding themselves out as a contractor without the benefit of a certificate of competency. **Count 2:** Failure to obtain a business tax receipt from the City of Key West.

The respondents did not appear. Officer Doctoche gave testimony that on January 17, 2019, Frank Zamora, State Attorney investigator, contacted her again about the two individuals, Mr. Morales and Ms. Moore. They quoted the homeowner \$16,550 and was given a check for \$8,275 with only supplied being delivered. A+ Roofing was hired to complete the work. The City requests \$250 administrative costs with \$500 per count for Mark Morales and \$250 per count for Julie Moore. The Special Magistrate imposed \$250 administrative costs with \$500 per count for Mark Morales and \$500 per count for Julie Moore.

15

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

In compliance 27 Feb 2019; Request dismissal

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.

The Special Magistrate granted the request to dismiss this case.

16

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

Continued from 30 Jan 2019

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

Edward Brugman attended. Officer Leonardo Hernandez gave testimony that this case has taken so long is that the Army Corp. of Engineers has been involved and there has been issues with the permitting process. As of today, Mr. Brugman is not in compliance as they are not able to get the permit for the dock as of yet from the Army Corp. of Engineering which was required for him to obtain the building permit. The respondent did apply for an after-the-fact permit for the shed and a demolition permit to remove the dock this morning. The City is seeking compliance with a finding of the violation and a \$250 administrative costs without an objection to a three-week continuance and a \$250 per day per count fine. Mr. Brugman gave testimony stating they have been in contact with the Corp. and they are understaffed and unable to process the permit. Mr. Brugman has hired Sandy Walders of SWC, permitting company, and they have outlined what needs to be done to get the permit for the dock. We have the permits now to demolish the dock but would not demolish the dock if possible. He stated that he was not sure the original dock had been permitted and he had repaired the dock thinking that it was. The Special Magistrate stated he is suffering the consequence for government entities to move forward because they have different policies. The Special Magistrate asked why he didn't come in seven months ago to apply for the permits. Mr. Brugman stated he had but he was told that he couldn't get a permit for the dock until he got a permit from the Corp. first. The Special Magistrate asked about the shed, and Mr. Brugman stated he could finish the shed and at least show partial compliance. Mr. Brugman stated he has a permit to finish that shed and it can be done within three weeks. He would rather wait for the Corp. for the dock but they will probably take three months. The Special Magistrate said he can't wait three months to wait for the Corp. The Special Magistrate stated that he must be in compliance by 25 Mar 2019 with a hearing on 27 Mar 2019. The City asked for a Finding and the Special Magistrate stated he wants to wait until 25 Mar 2019 to give him time to come into compliance but if he is not he knows what the consequences are. The Special Magistrate said if he is not in compliance by next month than he would consider more than \$250 per count per day if the City requests it.

17

Case # 18-556

Wendall A. Wall

4 Go Lane

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

Officer Leonardo Hernandez

Certified Service: 5-18-2018

Initial Hearing: 6-27-2018

Continued from 30 Jan 2019 for compliance

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.

Greg Oropeza, Attorney, attended on behalf of the property owner. Officer Leonardo Hernandez gave testimony that the fence is not in compliance that even though the permit was picked up today the fence will need an inspection to come into compliance as it was not only built without a permit it was built over the conforming height ordinance. Mr. Oropeza stated the permit had been applied for and was pending since the last code hearing and is now issued. Officer Hernandez stated that the fence needs to be lowered to 6 feet. Mr. Oropeza stated that is what his client will be doing. Mr. Oropeza stated that he spoke with the contractor and he stated he will not be able to get it done in 30 days that he could have it done and finalized in 60 days. The Special Magistrate stated he will continue this case to 27 Mar 2019 for compliance. Mr. Oropeza stated he will make sure that there is substantial progress.

18

Case # 19-4

Emily Lombard

3301 Duck Avenue K

Sec. 66-102 Dates due and delinquent; penalties

Officer Leonardo Hernandez

Certified Mail: 1-30-2019

Initial Hearing: 2-27-2019

In compliance 10 January 2019; Request dismissal

Count 1: Failure to renew the business license for Tranquility Spa of Key West LLC by 30 Oct 2018.

The Special Magistrate granted the request to dismiss this case.

19

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 27 Mar 2019

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 27 Mar 2019. The Special Magistrate asked what is going on. Director Young that they have sent a proposed settlement agreement and is waiting for a response from their attorneys. Ron Ramsingh, City Assistant Attorney, stated that two cases were making their way through the Third District Court of Appeal from North Dade and City of Miami. The case for the City of Miami resolved in favor of the City and that out right before the holidays in Nov. or Dec. The North Dade that was AIRBNB argument of federal pre-exemption settled very quick and he is trying to find out way. He believes the City of Miami ruling is favorable for our ordinance. After this, we were contacted to resolve the cases. Mr. Ramsingh sent out his proposal and they are going through the corporate structure to get approval and we hope to have an agreement for the Special Magistrate by next month.

20

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 27 Mar 2019

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 27 Mar 2019. The Special Magistrate asked what is going on. Director Young that they have sent a proposed settlement agreement and is waiting for a response from their attorneys. Ron Ramsingh, City Assistant Attorney, stated that two cases were making their way through the Third District Court of Appeal from North Dade and City of Miami. The case for the City of Miami resolved in favor of the City and that out right before the holidays in Nov. or Dec. The North Dade that was AIRBNB argument of federal pre-exemption settled very quick and he is trying to find out way. He believes the City of Miami ruling is favorable for our ordinance. After this, we were contacted to resolve the cases. Mr. Ramsingh sent out his proposal and they are going through the corporate structure to get approval and we hope to have an agreement for the Special Magistrate by next month.

21

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 27 Mar 2019

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 27 Mar 2019. The Special Magistrate asked what is going on. Director Young that they have sent a proposed settlement agreement and is waiting for a response from their attorneys. Ron Ramsingh, City Assistant Attorney, stated that two cases were making their way through the Third District Court of Appeal from North Dade and City of Miami. The case for the City of Miami resolved in favor of the City and that out right before the holidays in Nov. or Dec. The North Dade that was AIRBNB argument of federal pre-exemption settled very quick and he is trying to find out way. He believes the City of Miami ruling is favorable for our ordinance. After this, we were contacted to resolve the cases. Mr. Ramsingh sent out his proposal and they are going through the corporate structure to get approval and we hope to have an agreement for the Special Magistrate by next month.

22

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 27 Mar 2019

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 27 Mar 2019. The Special Magistrate asked what is going on. Director Young that they have sent a proposed settlement agreement and is waiting for a response from their attorneys. Ron Ramsingh, City Assistant Attorney, stated that two cases were making their way through the Third District Court of Appeal from North Dade and City of Miami. The case for the City of Miami resolved in favor of the City and that out right before the holidays in Nov. or Dec. The North Dade that was AIRBNB argument of federal pre-exemption settled very quick and he is trying to find out way. He believes the City of Miami ruling is favorable for our ordinance. After this, we were contacted to resolve the cases. Mr. Ramsingh sent out his proposal and they are going through the corporate structure to get approval and we hope to have an agreement for the Special Magistrate by next month.

23

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 27 Mar 2019

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 27 Mar 2019. The Special Magistrate asked what is going on. Director Young that they have sent a proposed settlement agreement and is waiting for a response from their attorneys. Ron Ramsingh, City Assistant Attorney, stated that two cases were making their way through the Third District Court of Appeal from North Dade and City of Miami. The case for the City of Miami resolved in favor of the City and that out right before the holidays in Nov. or Dec. The North Dade that was AIRBNB argument of federal pre-exemption settled very quick and he is trying to find out way. He believes the City of Miami ruling is favorable for our ordinance. After this, we were contacted to resolve the cases. Mr. Ramsingh sent out his proposal and they are going through the corporate structure to get approval and we hope to have an agreement for the Special Magistrate by next month.

24

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 27 Mar 2019

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 27 Mar 2019. The Special Magistrate asked what is going on. Director Young that they have sent a proposed settlement agreement and is waiting for a response from their attorneys. Ron Ramsingh, City Assistant Attorney, stated that two cases were making their way through the Third District Court of Appeal from North Dade and City of Miami. The case for the City of Miami resolved in favor of the City and that out right before the holidays in Nov. or Dec. The North Dade that was AIRBNB argument of federal pre-exemption settled very quick and he is trying to find out way. He believes the City of Miami ruling is favorable for our ordinance. After this, we were contacted to resolve the cases. Mr. Ramsingh sent out his proposal and they are going through the corporate structure to get approval and we hope to have an agreement for the Special Magistrate by next month.

25

Case # 18-06Brian 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;
regulationsSec. 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

Posted: 2-27-2018 - Michael McMahon

Initial Hearing: 2-28-2018

Continuance granted to 27 Mar 2019

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 27 Mar 2019. The Special Magistrate asked what is going on. Director Young that is a HomeAway case.

26

Case # 18-1038

Brookwood LLC

Dan Marrin

1216 Watson Street

Sec. 18-601 License required - Counts 1-8 - **Repeat Irreparable**Sec. 122-1371 - Counts 9-11 - **Repeat Irreparable**Sec. 122-1371 D (9) - Counts 12-19 - **Repeat Irreparable**

Officer Beau Langford

Certified Mail:

Initial Hearing: 1-30-2019

Settlement Agreement

Counts 1-8: Short-term rental from Saturday 11/17/18 to Saturday 11/24/18 without the required business tax receipt issued by the City of Key West. This is a repeat violation: Cases #17-1478 and #14-785.

Counts 9-11: Subject property owner is renting on a short-term basis 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 12-19:**

Subject property held out for transient rental for 7 nights the dates of 11/17/18 - 11/24/18 for a total of \$5600. This property is listed on VRBO for 1-30 night stay at \$800 per night for a total monthly rental cost of \$24,000 before taxes and fees.

A settlement agreement was presented to the Special Magistrate which he approved. Administrative costs of \$250 with a suspended fine of \$25,600, and a collection of suspended fine from case #14-785 in the amount of \$9,750 and Case #17-1478 in the amount of \$4,500 for a total due of \$14,500.

27

Case # 17-1146

Jordan James & Sara Key

1309 Newton Street

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **In compliance 9 Nov 2018; Request dismissal**Sec. 14-40 Permits in historic districts - **In compliance 9 Nov 2018;****Request dismissal**

Sec. 14-262 Request for inspection

Officer Jorge Lopez

Certified Service: 3-26-2018

Initial Hearing: 4-25-2018

Continued from 30 Jan 2019 for compliance

Count 1: For failure to obtain a mechanical permit to install the A/C condenser on the roof. **Count 2:** For failure to obtain HARC approval for installation of the A/C condenser on the roof. **Count 3:** For failure to obtain an inspection for the A/C condenser.

John Marston, Attorney, on behalf of the respondent. Officer Jorge Lopez gave testimony that there is not a final inspection as of today for the mechanical equipment at this property. Mr. Marston gave a status that there are tenants in the house until the beginning of April. The permit was issued in November and they are unable to remove the a/c unit until the tenants move out in April. Officer Lopez stated it was picked up in December. Mr. Marston stated the previous owner had a permit and put the unit in a completely different place on the roof. Officer Lopez stated that the previous owner had pulled a homeowner permit and did not install the a/c where it was suppose to be and a couple of days later had called the Building Department to cancel the permit. Mr. Marston stated that after she canceled the permit she put the a/c where she wanted it to be. Ron Ramsingh, City Assistant Attorney, stated that the City in regards to the public safety issue of this that the a/c unit with 220 volts is sitting up there with no inspections whatsoever. He understands the concerns of having a tenant in there but the city has a concern about the safety of that unit up there without inspections. While it is true that a permit says open for approximately two years, the Florida Building codes require an inspection within 120 days which is rapidly approaching. Mr. Ramsingh would ask that since this is subject to a code case with overall life safety concerns under 162 that you shorten that compliance period as this has been going on for months and months with the same concerns. Mr. Marston stated this is the first time he has heard this is a safety issue. The Special Magistrate stated that the overall concern is that there is a 220 up there. The Special Magistrate stated he is willing to work with the homeowner on this. The new homeowner would not have known this because of the cancelation of the permit but how are we going to ensure that the 220 exposed is not a danger. Mr. Marston stated that Debonair has a permit to do that and they do that every day. The Special Magistrate stated he doesn't have a problem with Debonair doing this but the problem is that there is a functioning 220 voltage that is on top of the roof that was never permitted and inspected to see if it meets code. The

Special Magistrate stated he will continue it but he wants it's inspected as we don't know if it was properly installed and it is a safety concern not only for this homeowner but the homeowner next door. The Special Magistrate stated he will continue this to March 27 under the condition that this is inspected immediately to see if this is a fire hazard. Mr. Ramsingh stated he would prefer that a City Inspector goes out there to verify. The Special Magistrate stated he will continue the compliance to 27 March 2019 but he wants an inspection in a week which is Wednesday March 6, 2019 for the 220 in case this is a safety hazard.

28

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 27 Mar 2019 for compliance

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 27 Mar 2019.

29

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

In compliance 27 Feb 2019; Request dismissal

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 request to dismiss this case

30

Case # 18-615

Martin Busam

1126 Grinnell 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~~ **Dismissed**Sec. 102-152 ~~Requirements for permits~~ **Dismissed**

Officer Jorge Lopez

Certified Service: 5-23-2018

Initial Hearing: 6-27-2018

Continued from 30 Jan 2019 for compliance**Count 1:** Ductless AC units installed without the benefit of a permit.

Count 2: Metal fence was installed and a new structure is being built in the rear side of the property without the benefit of a HARC certificate of appropriateness. **Count 3:** ~~Two ductless AC units were installed without the benefit of inspections.~~ - Dismissed. **Count 4:** ~~Significant alterations were made to the deck at the subject property without the benefit of applying and obtaining the required HARC certificate of appropriateness.~~ - Dismissed.

Marci Rose, Attorney, appeared for the respondent. Officer Jorge Lopez gave testimony that the Building Inspector just approved the permit a few minutes ago and we are waiting for the licensed contractor to come and pick it up today. He should be at the counter now. The City has no issue with extending the compliance for a day or two. Ms. Rose stated Jorge from Calulaco Construction should be there now and if we can close the case now and she would bring the receipt. The Special Magistrate said that we couldn't do that but we would hold to the end of the docket today to get it done or give them a week to come into compliance. Ms. Rose said that she would like to wait to the end of the docket. The Special Magistrate recalled the case and they have paid and are in compliance.

31

Case # 18-1697

Center Court Historic Inn & Cott. LC

Naomi Van Steelandt - Registered Agent

912 Center Street

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

Officer Jorge Lopez

Certified Mail: 11-20-2018

Initial Hearing: 12-19-2018

In compliance 27 Dec 2018; Request dismissal

Count 1: Failure to obtain a Permanent Right-of-Way permit from the City of Key West Engineering Department for adding gravel to the City right of way.

The Special Magistrate granted the request to dismiss this case.

32

Case # 18-1698

Center Court Historic Inn & Cott. Lc

Naomi Van Steelandt - Registered Agent

918 Center Street

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

Officer Jorge Lopez

Certified Mail: 11-20-2018

Initial Hearing: 12-19-2018

In compliance 27 Dec 2018; Request dismissal

Count 1: Failure to obtain a Permanent Right-of-Way permit from the City of Key West Engineering Department for adding gravel to the City right of way.

The Special Magistrate granted the request to dismiss this case.

33**Case # 18-1699**

Center Court Historic Inn & Cott. Lc

Naomi Van Steelandt - Registered Agent

915 Center Street

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

Officer Jorge Lopez

Certified Mail: 11-20-2018

Initial Hearing: 12-19-2018

In compliance 27 Dec 2019; Request dismissal

Count 1: Failure to obtain a Permanent Right-of-Way permit from the City of Key West Engineering Department for adding gravel to the City right of way.

The Special Magistrate granted the request to dismiss this case.

34

Case # 18-1904S Group Inc - **Counts 1 & 2 only**Andrienne Sanchez - Registered Agent - **Counts 1 & 2 only**Richard & Deborah Pesce - Property Owners - **Counts 1 thru 10 and 12 only**Michael Herrera - **Counts 1 thru 10 and 12 thru 13 with Repeat Count 11.**

712 Eaton Street

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

Sec. 14-40 Permits in historic districts

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

Sec. 14-261 Failure to obtain

Sec. 14-327 Inspection

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

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

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

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. 18-117 Acts declared unlawful

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

Officer Jorge Lopez

Certified Mail: 12-13-2018 - Registered Agent (Amended Notice)

Certified Mail: 12-18-2018 - Richard & Deborah Pesce (Amended Notice)

Posted: 1-7-2019 - Michael Herrea

Initial Hearing: 1-30-2019

Settlement Agreement

Count 1: Failure to obtain the permit for the exterior renovations regarding the railings and column. **Count 2:** Failure to obtain the certificate of appropriateness for the railings on the second floor and one column removal on the first floor. **Count 3:** Electrical work performed without the benefit of an electrical permit. **Count 4:** Failure to obtain an electrical permit. **Count 5:** Failure to obtain an electrical inspection. **Count 6:** Plumbing work performed without the benefit of a plumbing

permit. **Count 7:** Installation of new kitchen cabinets without the benefit of permits. **Count 8:** Framing and plumbing work performed without the benefit of permits. **Count 9:** New structure being built in the rear side of the property without the benefit of a permit. **Count 10:** New structure being built without the benefit of a certificate of appropriateness. **Count 11:** Does not have a certificate of competency to operate as a licensed electric contractor nor a licensed plumbing contractor. Mr. Herrera was found in violation in Case# 17-1019. **Count 12:** Unlawful for work to be performed by an unlicensed contractor. **Count 13:** Failure to obtain a business tax receipt which is required.

A settlement agreement was presented to the Special Magistrate for Mr. Herrera which he approved. Mr. Herrera stipulated to the imposition of a fine of \$3,250.

35

Case # 18-2029

218 Duval Street Corp.

Elizabeth Johnson - Business Registered Agent

Famlo Development Corporation

Michael Halpern - Building Registered Agent (Amended Notice only)

Jennifer Stefanacci Doll - Sec. 26-32 only (Original Notice)

218 Duval Street

Sec. 26-32 Nuisances illustrated (Original Notice only) - **In compliance****17 Dec 2018; Request dismissal**Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions (Amended Notice)

Sec. 14-40 Permits in historic districts (Amended Notice)

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions (Amended Notice)

Sec. 14-262 Request for inspection (Amended Notice)

Officer Jorge Lopez

Certified Mail: 12-7-2018 (Original Notice) - Jennifer Stefanacci Doll

Certified Mail: 1-4-2019 (Amended Notice) - Michael Halpern

Posted: 1-17-2019 (Amended Notice) - Elizabeth Johnson

Initial Hearing: 1-30-2019

Continued from 30 Jan 2019

Count 1 (Original Notice): The use of a foam machine spreading foam on the City's right of way which was causing a hazard to pedestrians and adjacent properties. **In compliance 17 Dec 2018; Request dismissal.**

Count 1 (Amended Notice): Two signs installed without the benefit of a building permit. **Count 2 (Amended Notice):** Signs installed without the benefit of a certificate of appropriateness. **Count 3 (Amended Notice):** Two flood lights installed without the benefit of an electrical permit. **Count 4 (Amended Notice):** Electrical work performed without an inspection.

The City is requesting dismissal of Count 1 - Sec. 26-32 and the Special Magistrate granted the dismissal of Count 1 - Sec. 26-32. David Johnson attended. Officer Jorge Lopez gave testimony stating he believed the respondent is going to admit to the violation for the signs on this property. Mr. Johnson stated that he admits to it. Officer Lopez stated the licensed contractor just applied yesterday for the unpermitted signs. The City is willing to work with the owner and 30 days continuance should be reasonable to get the permit. The Special Magistrate asked Mr. Johnson if he was asking for this and he said yes. The Special Magistrate stated he would continue this to 27 March 2019. Officer Lopez asked for a finding of the violation with administrative fee of \$250. Mr. Johnson had no objection. The Special Magistrate stated he finds there is a violation by the respondent's own admission with \$250 administrative costs with continuance to 27 Mar 2019 for compliance.

36

Case # 18-2070

Michael Herrera - Unlicensed Contractor

Artist House Key West Group, LLC - Owner - **Counts 1 thru 3 only**

CT Corporation System - Registered Agent

1016 Fleming 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

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

Officer Jorge Lopez

Posted: 1-7-2019 - Michael Herrera

Certified Mail: 12-24-2018 - CT Corporation System

Initial Hearing: 1-30-2019

Settlement Agreement

Count 1: Failure to obtain building permits for new deck built on the second floor, 3 new posts and deck frame. Michael Herrera is the maintenance manager at this property and did not obtain permits. **Count 2:** Failure to obtain a certificate of appropriateness for building a new second floor dec, 3 new posts, deck frame, siding work in the rear side of the building and multiple paint buckets on the property. **Count 3:** Mr. Herrera is not qualified as a license contractor and was employed by the property owner. Repeat violation from Case# 17-1019 for Mr. Herrera. **Count 4:** Mr. Herrera does not have a business tax receipt to providserviceses as a licensed contractor. Repeat violation from Case# 17-1019

A settlement agreement was presented to the Special Magistrate which he approved. The property owner stipulates to the imposition of the administrative costs of \$250 and a suspended fine of \$5,000 for a total due of \$250.

37

Case # 19-35

Rasta's LLC

Rostislav Novotny - Registered Agent

520 William Street

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

Officer Jorge Lopez

Hand Served: 1-23-2019

Initial Hearing: 2-27-2019

Settlement Agreement

Count 1: Deck boards being replaced without the benefit of building permit. **Count 2:** Deck boards being replaced without the benefit of a certificate of appropriateness. **Count 3:** Acting in the capacity of a contractor without having a certificate of competency.

A settlement agreement was presented to the Special Magistrate which is approved. Administrative costs of \$250 and a fine of \$750 of which \$250 will be suspended for a total due of \$750.

Adjournment