



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

Code Compliance Hearing

Wednesday, March 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 24 Apr 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 24 April 2019.

2

Case # 18-1962

Garner Winifred Sands

324 Truman Avenue

Sec. 58-61 Determination and levy of charge

Officer Bonnita Badgett

Certified Mail: 3-9-2019

Initial Hearing: 3-27-2019

Continuance granted to 24 Apr 2019

Count 1: Failure to pay a back utility bill of \$80,588.48

The Special Magistrate granted the request to continue this case to 24 April 2019.

3**Case # 18-2031**

Cynthia Vinson Dean

1215 Georgia Street

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

Officer Bonnita Badgett

Certified Mail: 2-20-2019

Initial Hearing: 3-27-2019

In compliance 26 Mar 2019; Request dismissal**Count 1:** Failure to keep property clear of debris and any noxious material.**The Special Magistrate granted the request to dismiss this case as they came into compliance on 26 March 2019.**

4

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

Continued from 27 Feb 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.

Kevin Kuvin represents the respondents. Officer Bonnita Badgett attended. Chief Assistant City Attorney Ron Ramsingh on behalf of the city. Mr. Kuvin stated that he is representing items 4, 5, 7 and 10 on the agenda today. He has spoken to the City and asked if he could combine all four of these together regarding a consent decree. The reason this is important as there was some other items that were taken care of recently that lead to his client's business being shut down for a week to come into compliance to be able to train his staff. These issues were while not adjudicated they were discussed at that meeting and I believe there is a mitigation factor here and they want an opportunity to speak with the City and Code Compliance; and to come into compliance with these issues to make sure there is not a repeat violation and to come into some kind of consent decree. They are seeking a continuance to have this decision. He did receive affidavits today. Chief Assistant City Attorney Ron Ramsingh stated that Mr. Kuvin would like to combine all these cases and come to an agreement. Mr. Ramsingh does not feel he has the authority nor does Director Jim Young or the Code Officer given the level that these issues have risen to. He does not feel comfortable discussing any of this unless Mr. Scholl is involved as he had the administrative hearing the last time this came around and that is the reason we are requesting a continuance. This in no way is an agreement that we are going to reach an agreement but we are at least giving them the opportunity to approach Mr. Scholl about their desire to resolve the cases. Mr. Ramsingh believes they can get that done in one setting so April for the continuance. The Special Magistrate stated that at the request of the respondent we are going to continue #18-2101, 19-73, 19-105 and 19-107 until the 24th of April.

5

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

Continued from 27 Feb 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.

Kevin Kuvin represents the respondents. Officer Bonnita Badgett attended. Chief Assistant City Attorney Ron Ramsingh on behalf of the city. Mr. Kuvin stated that he is representing items 4, 5, 7 and 10 on the agenda today. He has spoken to the City and asked if he could combine all four of these together regarding a consent decree. The reason this is important as there was some other items that were taken care of recently that lead to his client's business being shut down for a week to come into compliance to be able to train his staff. These issues were while not adjudicated they were discussed at that meeting and I believe there is a mitigation factor here and they want an opportunity to speak with the City and Code Compliance; and to come into compliance with these issues to make sure there is not a repeat violation and to come into some kind of consent decree. They are seeking a continuance to have this decision. He did receive affidavits today. Chief Assistant City Attorney Ron Ramsingh stated that Mr. Kuvin would like to combine all these cases and come to an agreement. Mr. Ramsingh does not feel he has the authority nor does Director Jim Young or the Code Officer given the level that these issues have risen to. He does not feel comfortable discussing any of this unless Mr. Scholl is involved as he had the administrative hearing the last time this came around and that is the reason we are requesting a continuance. This in no way is an agreement that we are going to reach an agreement but we are at least giving them the opportunity to approach Mr. Scholl about their desire to resolve the cases. Mr. Ramsingh believes they can get that done in one setting so April for the continuance. The Special Magistrate stated that at the request of the respondent we are going to continue #18-2101, 19-73, 19-105 and 19-107 until the 24th of April.

6

Case # 19-103

H and S of Key West, LLC

Hal Schuhmacker

Christian M. Zuelch - RA

324 Southard Street

Sec. 14-40 Permits in the historic districts

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

Officer Bonnita Badgett

Certified Mail: 2-22-2019 - Hal Schuhmacker

Hand Served: 3-18-2019 - Christian M. Zuelch

Certified Mail:

Initial Hearing: 3-27-2019

Continuance granted to 24 April 2019

Count 1: Failure to obtain certificate of appropriateness for exterior work on the roof of the front porch. **Count 2:** Failure to obtain a building permit for exterior work on the roof of the front porch.

The Special Magistrate granted the request to continue this case to 24 April 2019.

7

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

Continued from 27 Feb 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.

Kevin Kuvin represents the respondents. Officer Bonnita Badgett attended. Chief Assistant City Attorney Ron Ramsingh on behalf of the city. Mr. Kuvin stated that he is representing items 4, 5, 7 and 10 on the agenda today. He has spoken to the City and asked if he could combine all four of these together regarding a consent decree. The reason this is important as there was some other items that were taken care of recently that lead to his client's business being shut down for a week to come into compliance to be able to train his staff. These issues were while not adjudicated they were discussed at that meeting and I believe there is a mitigation factor here and they want an opportunity to speak with the City and Code Compliance; and to come into compliance with these issues to make sure there is not a repeat violation and to come into some kind of consent decree. They are seeking a continuance to have this decision. He did receive affidavits today. Chief Assistant City Attorney Ron Ramsingh stated that Mr. Kuvin would like to combine all these cases and come to an agreement. Mr. Ramsingh does not feel he has the authority nor does Director Jim Young or the Code Officer given the level that these issues have risen to. He does not feel comfortable discussing any of this unless Mr. Scholl is involved as he had the administrative hearing the last time this came around and that is the reason we are requesting a continuance. This in no way is an agreement that we are going to reach an agreement but we are at least giving them the opportunity to approach Mr. Scholl about their desire to resolve the cases. Mr. Ramsingh believes they can get that done in one setting so April for the continuance. The Special Magistrate stated that at the request of the respondent we are going to continue #18-2101, 19-73, 19-105 and 19-107 until the 24th of April.

8

Case # 18-1723

Real Estate Guide of FL Keys

Steve Estes

605 Duval Street

Sec. 26-37 Removal of graffiti

Officer Sophia Doctoche

Certified Mail:

Initial Hearing: 3-27-2019

In compliance 15 Feb 2019; Request dismissal

Count 1: Failure to remove graffiti from news rack or remove the rack completely from the City right-of-way.

The Special Magistrate granted the request to dismiss this case as they came into compliance on 15 February 2019.

9

Case # 19-58

Fairbank Construction

Jay J. Fairbank - Registered Agent

409 Caroline Street

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

Sec. 14-40 Permits in historic districts

Officer Sophia Doctoche

Certified Mail: 1-22-2019

Initial Hearing: 3-27-2019

New Case

Count 1: Installation of a solid wood fence and the building permit is for a picket fence. **Count 2:** Failure to get a certificate of appropriateness for installation of a 6' solid fence.

Jay Fairbank attended this hearing. Officer Doctoche gave testimony that on January 16 she went to the Hair by the Dog for a dog inspection. She and Officer Langford observed work going on by Fairbanks. The permit was not properly displayed and this was brought to her attention. When they moved it, the permit was for a picket fence and they were building a solid fence. Officer Doctoche issued a Notice of Code Violation/Notice of Hearing the same day as he has been found in violation previously. There is no final inspection but he did revise the permit for a solid fence and he picked the permit up. Mr. Fairbanks stated his client decided that instead of a regular picket fence they wanted it more closed in. His crew went ahead and did that. He didn't get a chance to go back to HARC to revise the permit. HARC did approve it once it was filed. The fence should be finished in the next week or so. Officer Doctoche stated they would like a finding of the violation with \$250 and \$250. The Special Magistrate asked Mr. Fairbank's if he understood what the City was asking for and he stated he did. The Special Magistrate stated without objection he will find that there is a violation with \$250 administrative cost and \$250 fine.

10

Case # 19-107

Gold Empire USA, LLC/D'OR 24K

Nir Chen - Registered Agent

407 Front Street C

Sec. 18-705 Requirements of permit holder

Officer Sophia Doctoche

Certified Mail: 2-25-2019

Initial Hearing: 3-27-2019

New Case - Repeat Violation

Count 1: Failure to furnish to the customer a written statement showing the final total cost of the item or service. Previously cited cases - #18-1157, #18-2101, #19-73

Kevin Kuvin represents the respondents. Officer Bonnita Badgett attended. Chief Assistant City Attorney Ron Ramsingh on behalf of the city. Mr. Kuvin stated that he is representing items 4, 5, 7 and 10 on the agenda today. He has spoken to the City and asked if he could combine all four of these together regarding a consent decree. The reason this is important as there was some other items that were taken care of recently that lead to his client's business being shut down for a week to come into compliance to be able to train his staff. These issues were while not adjudicated they were discussed at that meeting and I believe there is a mitigation factor here and they want an opportunity to speak with the City and Code Compliance; and to come into compliance with these issues to make sure there is not a repeat violation and to come into some kind of consent decree. They are seeking a continuance to have this decision. He did receive affidavits today. Chief Assistant City Attorney Ron Ramsingh stated that Mr. Kuvin would like to combine all these cases and come to an agreement. Mr. Ramsingh does not feel he has the authority nor does Director Jim Young or the Code Officer given the level that these issues have risen to. He does not feel comfortable discussing any of this unless Mr. Scholl is involved as he had the administrative hearing the last time this came around and that is the reason we are requesting a continuance. This in no way is an agreement that we are going to reach an agreement but we are at least giving them the opportunity to approach Mr. Scholl about their desire to resolve the cases. Mr. Ramsingh believes they can get that done in one setting so April for the continuance. The Special Magistrate stated that at the request of the respondent we are going to continue #18-2101, 19-73, 19-105 and 19-107 until the 24th of April.

11

Case # 19-271

James and Laura Thornbrugh
2016 Roosevelt Drive
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Certified Mail:
Initial Hearing: 3-27-2019

Request for continuance for good service

Count 1: Did not renew their property rental business tax receipt that has been expired since 30 Sept 2018. Repeat violation - Cases #16-688 and 17-1060.

The Special Magistrate granted the request to continue this case to 24 April 2019 for good service.

The Special Magistrate made a disclosure that he believes he represented her for something years ago. There is no objection.

12

Case # 19-272

James and Laura Thornbrugh
2014 Roosevelt Drive
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Certified Mail:
Initial Hearing: 3-27-2019

Request for continuance for good service

Count 1: Did not renew their property rental business tax receipt that has been expired since 30 Sept 2018. Repeat violation - Cases #16-688, 17-1060 and 17-1056.

The Special Magistrate granted the request to continue this case to 24 April 2019 for good service.

The Special Magistrate made a disclosure that he believes he represented her for something years ago. There is no objection.

13

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 27 Feb 2019

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

Mr. Brugman attended. Officer Leonardo Hernandez gave testimony that he is partially in compliance with the shed but not the dock. He did pick up the permit for the after the fact shed this morning. He did obtain the demolition permit for the dock but the work has not been done so he is not in compliance. Officer Hernandez stated he would like to get a finding of the violation with \$250 court costs and \$250 fine if not in compliance by April 24. Mr. Brugman stated the Corps of Engineers contacted him a week ago as we were all set to start demolishing the dock. The Army Corps stated they will have a finding within two weeks. He stated he told the Army Corps that they were all set to tear it down and they said don't do that. Mr. Brugman is going to give them the two weeks and if they give him a Corp permit he will go back to the City for an after-the-fact permit to leave it in place. The Special Magistrate stated he will make a finding of the violation with \$250 administrative costs with \$250 per day as a fine with the 23rd of April for compliance. If he gets the permit from the Corp and then goes back to resubmit the building permit for the pier The Special Magistrate would be very much inclined to extend the compliance period because the fundamentals of it have changed. The City is okay with this. The Special Magistrate told Mr. Brugman to make sure to let the City know what is going on. The compliance hearing will be April 24, 2019.

14

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 27 Feb 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 attended for the owner. Officer Leonardo Hernandez gave testimony that the permit was obtained and the work is being done. We still a final inspection to confirm that the fence is in compliance. We would like to request a continuance for two weeks for the final inspection. Mr. Oropeza stated it was fine with them. The Special Magistrate granted the request with 15 April at 5pm as the compliance date with the compliance hearing on 24 April 2019.

15

Case # 18-2079

Collage Beauty

Far Beauty LLC - Business Owner

Raziel Buchris - Title Ambassador

Aviv Shmuel - Registered Agent

211 Duval Company - Property Owner

211 Duval Street A

Sec. 18-415 Restrictions in historic district

Officer Leonardo Hernandez

Certified Mail: 12-11-2018 - Collage Beauty

Certified Mail: 12-14-2018 - Far Beauty LLC

Certified Mail: 12-14-2018 - Raziel Buchris

Certified Mail: 12-14-2018 - Aviv Shmuel

Certified Mail: 12-14-2018 - 211 Duval Company

Initial Hearing: 1-30-2019

Request for continuance for Settlement Agreement

Count 1: On area canvas, an employee of Collage Beauty at 211 Duval Street was off premise canvassing. Repeat violation Case #17-1554.

The Special Magistrate granted the request to continue this case for a Settlement Agreement to 24 April 2019.

16

Case # 19-69

Tranquility Spa of KW LLC

Nancy Price Leach

1712 North Roosevelt Boulevard

Sec. 66-102 Dates due and delinquent; penalties

Officer Leonardo Hernandez

Certified Mail: 2-22-19 - Tranquility Spa

Initial Hearing: 3-27-2019

In compliance 21 Feb 2019; request dismissal

Count 1: Failure to renew cosmetology establishment license as of 30 Sept 2018.

The Special Magistrate granted the request to dismiss this case as they came into compliance on 21 Feb 2019.

17

Case # 19-185

Christopher Gazzale

1504 18th Terrace

Sec. 66-102 Dates due and delinquent; penalties

Officer Leonard Hernandez

Posted: 2-12-2019

Initial Hearing: 3-27-2019

New Case - Repeat Violation

Count 1: Keys Cooling, LLC; Christopher Scott Gazzale owner; has not renewed his business license which was due 30 Sept. 2018. Repeat violation from Case# 18-436 with \$250 administrative fee still pending.

Christopher Gazzale attended. Officer Leonardo Hernandez gave testimony that Mr. Gazzale is a certified air conditioner contractor with the Department of Business and Professional Regulations. He holds a license with the City of Key West that has not been renewed since September 2018. This is a repeat violation from last year under case# 18-436 where a \$250 administrative fee is still pending. Mr. Gazzale is advertising. Exhibit A shows a snapshot of his online ad, page two shows proof that he is currently licensed with the state and page 3 is Keys Cooling LLC showing the registered agent as Mr. Gazzale, the respondent. Page 4 shows a picture of a facebook post where he is advertising with his picture on it that he can be contacted for A/C work. As of today, he still is not in compliance as he has not paid his license fee from last year and \$250 administrative costs from last year. Mr. Gazzale stated he has never been on Facebook in his life. The Special Magistrate stated he does not care about any of that. He wants to know why aren't you paying your licensing fee. Mr. Gazzale stated he has had sciatica for a long time and he now trying to get onto his feet. He said he could pay to get his license today but he couldn't pay the other fees. The Special Magistrate asked when was the last time he worked at all. Mr. Gazzale stated he has worked a day here and there. He is not living in Key West at the moment. Officer Hernandez stated the City is seeking \$250 court costs and a fine of \$250 and this could be \$500 as it is a repeat violation; and the administrative fee of \$250 that is owed from last year for a total of \$750. The Special Magistrate stated that the advertisement that he was given was printed on 12 Feb 2019 and it states serving Key West and the lower keys at Keyscooling.com. The Special Magistrate asked if that was him and Mr. Gazzale stated that it was him but he has no idea where that came from. The Special Magistrate stated he going to find that he is in violation with \$250 costs and \$250 fine with 30 days for compliance. The Special Magistrate stated that unlike the other fines of \$250 per day this is going to be a one time fine of \$250. The Special Magistrate stated if you renew your license you will only have to pay the old \$250 and the new \$250 court costs but you need to get it renewed. If Mr. Gazzale gets this all straightened out by April 23 at 5pm, he will only have to pay the administrative costs not the fine.

18

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 27 Mar 2019 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 on behalf of the owners. Code Officer Beau Langford attended. The easement was approved and the owners are not in town to sign the paperwork. They will be in town next week and this will put them into compliance. Mr. McChesney is requesting one more continuance. The Special Magistrate granted the request for continuance to April 15, 2019 at 5pm with the hearing on April 24, 2019.

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

Continued from 27 Feb 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 stated three days ago, he received a very lengthy motion to dismiss filed by AIRBNB with numerous exhibits to it. He felt it was fundamentally unfair to go forward with the motion to dismiss without giving the City a reasonable time to respond to it and he is tired of these cases going on and on since 2017. The Special Magistrate stated his proposal is to set a deadline for anybody to file anything they want by a particular date in April and on April 24th if he agrees with the motion to dismiss we may not have a hearing on April 24th. If he disagrees with the motion to dismiss we may have a hearing on the 24th. Even if he agrees with the motion to dismiss we may still have a hearing for his pronouncement. Assistant City Attorney Ron Ramsingh stated the City appreciates the extension of time. Christopher Deem on behalf of AIRBNB has no objection to the Special Magistrate's request for a time certain for any supplementation as long as we have a few days to review the City's response. The Special Magistrate stated they will have time to review the response but everything has to be filed by April 15 by 5 o'clock. Anything that needs to come into the file needs to come by that date.

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

Continued from 27 Feb 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 stated three days ago, he received a very lengthy motion to dismiss filed by AIRBNB with numerous exhibits to it. He felt it was fundamentally unfair to go forward with the motion to dismiss without giving the City a reasonable time to respond to it and he is tired of these cases going on and on since 2017. The Special Magistrate stated his proposal is to set a deadline for anybody to file anything they want by a particular date in April and on April 24th if he agrees with the motion to dismiss we may not have a hearing on April 24th. If he disagrees with the motion to dismiss we may have a hearing on the 24th. Even if he agrees with the motion to dismiss we may still have a hearing for his pronouncement. Assistant City Attorney Ron Ramsingh stated the City appreciates the extension of time. Christopher Deem on behalf of AIRBNB has no objection to the Special Magistrate's request for a time certain for any supplementation as long as we have a few days to review the City's response. The Special Magistrate stated they will have time to review the response but everything has to be filed by April 15 by 5 o'clock. Anything that needs to come into the file needs to come by that date.

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

Continued from 27 Feb 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 stated three days ago, he received a very lengthy motion to dismiss filed by AIRBNB with numerous exhibits to it. He felt it was fundamentally unfair to go forward with the motion to dismiss without giving the City a reasonable time to respond to it and he is tired of these cases going on and on since 2017. The Special Magistrate stated his proposal is to set a deadline for anybody to file anything they want by a particular date in April and on April 24th if he agrees with the motion to dismiss we may not have a hearing on April 24th. If he disagrees with the motion to dismiss we may have a hearing on the 24th. Even if he agrees with the motion to dismiss we may still have a hearing for his pronouncement. Assistant City Attorney Ron Ramsingh stated the City appreciates the extension of time. Christopher Deem on behalf of AIRBNB has no objection to the Special Magistrate's request for a time certain for any supplementation as long as we have a few days to review the City's response. The Special Magistrate stated they will have time to review the response but everything has to be filed by April 15 by 5 o'clock. Anything that needs to come into the file needs to come by that date.

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

Continued from 27 Feb 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 stated three days ago, he received a very lengthy motion to dismiss filed by AIRBNB with numerous exhibits to it. He felt it was fundamentally unfair to go forward with the motion to dismiss without giving the City a reasonable time to respond to it and he is tired of these cases going on and on since 2017. The Special Magistrate stated his proposal is to set a deadline for anybody to file anything they want by a particular date in April and on April 24th if he agrees with the motion to dismiss we may not have a hearing on April 24th. If he disagrees with the motion to dismiss we may have a hearing on the 24th. Even if he agrees with the motion to dismiss we may still have a hearing for his pronouncement. Assistant City Attorney Ron Ramsingh stated the City appreciates the extension of time. Christopher Deem on behalf of AIRBNB has no objection to the Special Magistrate's request for a time certain for any supplementation as long as we have a few days to review the City's response. The Special Magistrate stated they will have time to review the response but everything has to be filed by April 15 by 5 o'clock. Anything that needs to come into the file needs to come by that date.

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

Continued from 27 Feb 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 stated three days ago, he received a very lengthy motion to dismiss filed by AIRBNB with numerous exhibits to it. He felt it was fundamentally unfair to go forward with the motion to dismiss without giving the City a reasonable time to respond to it and he is tired of these cases going on and on since 2017. The Special Magistrate stated his proposal is to set a deadline for anybody to file anything they want by a particular date in April and on April 24th if he agrees with the motion to dismiss we may not have a hearing on April 24th. If he disagrees with the motion to dismiss we may have a hearing on the 24th. Even if he agrees with the motion to dismiss we may still have a hearing for his pronouncement. Assistant City Attorney Ron Ramsingh stated the City appreciates the extension of time. Christopher Deem on behalf of AIRBNB has no objection to the Special Magistrate's request for a time certain for any supplementation as long as we have a few days to review the City's response. The Special Magistrate stated they will have time to review the response but everything has to be filed by April 15 by 5 o'clock. Anything that needs to come into the file needs to come by that date.

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

Continued from 27 Feb 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 stated three days ago, he received a very lengthy motion to dismiss filed by AIRBNB with numerous exhibits to it. He felt it was fundamentally unfair to go forward with the motion to dismiss without giving the City a reasonable time to respond to it and he is tired of these cases going on and on since 2017. The Special Magistrate stated his proposal is to set a deadline for anybody to file anything they want by a particular date in April and on April 24th if he agrees with the motion to dismiss we may not have a hearing on April 24th. If he disagrees with the motion to dismiss we may have a hearing on the 24th. Even if he agrees with the motion to dismiss we may still have a hearing for his pronouncement. Assistant City Attorney Ron Ramsingh stated the City appreciates the extension of time. Christopher Deem on behalf of AIRBNB has no objection to the Special Magistrate's request for a time certain for any supplementation as long as we have a few days to review the City's response. The Special Magistrate stated they will have time to review the response but everything has to be filed by April 15 by 5 o'clock. Anything that needs to come into the file needs to come by that date.

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

Continued from 27 Feb 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.

Deana Falce on behalf of Shubin & Bass for HomeAway. Ms. Falce stated they filed a Response in Opposition and are asking for the same as a Motion to Dismiss. The Special Magistrate stated he will do the same as he did in the AIRBNB cases with all material needing to be in by April 15 by 5 o'clock for anything else that they would want to supplement. Ron Ramsingh stated it is fine with the City. Officer Langford stated it was fine with him. The hearing is set for April 24. There will be no continuances unless there is an emergency.

26

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

Continuance granted to 24 Apr 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.

The Special Magistrate granted the request to continue this case to 24 April 2019 for compliance.

27

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 24 Apr 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 24 April 2019. The Special Magistrate asked about this case and Officer Lopez stated they have a pre-trial hearing for next month.

28

Case # 18-1211

Island-West Investments Corp.

Richard Estevez - Owner

Hugh J Morgan - Registered Agent

1213 14th Street 41

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

Officer Jorge Lopez

Certified Mail: 12-12-2018 - Hugh Morgan

Certified Mail: 12-18-2018 - Richard Estevez

Initial Hearing: 1-30-2019

Continuance granted to 24 April 2019 for compliance

Count 1: Failure to obtain a building permit for an addition built. A demolition permit had been applied for on 6 Nov 2018 and more details are needed along with the property card.

The Special Magistrate granted the request to continue this case to 24 April 2019 for compliance.

29

Case # 18-1669

Island-West Investment Corp.

Julian Jasmine Collins

Hugh Morgan - Registered Agent

1213 14th Street 82

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

Officer Jorge Lopez

Posted: 1-2-2019 - Julian Jasmine Collins

Certified Mail: 11-19-2018 - Per USPS

Initial Hearing: 12-19-2018

In compliance 25 Mar 2019; Request dismissal

Count 1: Failure to obtain permit for working on the roof. **Count 2:** Failure to obtain permit for framing of the residence. **Count 3:** Failure to obtain a permit for electric work. **Count 4:** Failure to obtain a permit for plumbing work done underneath the residence.

The Special Magistrate granted the request to dismiss this case as this case has come into compliance on 25 Mar 2019.

30

Case # 18-1996

KW Zion, LLC

Kellie Alpert - RA

Irish Oak Barrel, LLC

Wayne Larue Smith - RA

506 Southard Street

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

Sec. 14-40 Permits in historic districts

Sec. 14-262 Request for inspection

Sec. 122-63 Review; enforcement

Officer Jorge Lopez

Certified Mail: 3-6-2019 - Kellie Alpert

Certified Mail: 3-8-2019 - Wayne Larue Smith

Initial Hearing: 3-27-2019

Continuance granted to 24 April 2019

Count 1: Failure to obtain permit for plumbing work performed in the rear side exterior of the building. **Count 2:** Failure to obtain permit for electrical work installed in the rear side exterior of the building. **Count 3:** Failure to obtain a certificate of appropriateness for the plumbing and electrical work performed in the rear side exterior of the building. **Count 4:** Failure to obtain a required electrical inspection for electrical work performed on the rear side of the building. **Count 5:** Failure to abide by the Conditional Approval Permit of no amplified live music or outdoor music on the premises.

The Special Magistrate granted the request to continue this case to 24 April 2019.

31

Case # 18-2020

Robert Chinnis Construction, Inc

Robert R. Chinnis - RA

506 Southard Street

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

Hand Served: 2-27-2019

Initial Hearing: 3-27-2019

New Case

Count 1: Failure to obtain a permit for plumbing work performed in the rear side exterior of the building. **Count 2:** Failure to obtain a permit for electrical work performed on the rear side of the building. **Count 3:** Failure to obtain a certificate of appropriateness for plumbing and electrical work performed on the rear side of the building. **Count 4:** Failure to obtain a required electrical inspection for electrical work performed on the rear side of the building.

No one appeared for the respondent. Officer Jorge Lopez gave testimony that on Nov. 23, 2018, the office received a complaint regarding a shed on the back of this property that was built underneath a staircase. All the work was done without permits. Upon his inspection, he spoke with the manager Jason Waser and he indicated that he did all the work himself. He told Mr. Waser that he needed to contact a license contractor to do all this work properly. He indicated he worked for Robert Chinnis who is a licensed contractor. I called to verify this information and Mr. Chinnis stated he was working for the company. He told Mr. Chinnis that he needed to get after-the-fact permits for this work which they never got. The shed was finally removed as they spoke with the Building Department and they were not able to get a permit for the shed. The reason why I brought this case to hearing is because Mr. Chinnis has been cited previously back in January of last year for working without a permit on a roof which I did a Stop Work Order. Recently there was another case #19-79 where he was doing another roof without a permit as he never picked it up or paid for it. He is a contractor and knows what needs to be done but doesn't do it. The City would like a finding of the violation with \$250 court costs and to come into compliance by 24 April 2019. The Special Magistrate asked how would he come into compliance as the shed is removed. Officer Lopez stated he still has electrical on the exterior and plumbing. The Special Magistrate stated the respondent was properly noticed with hand delivery on 27 Feb 2019; and failed, refused or neglected to respond. There is competent and substantial evidence to support the findings for \$250 court costs with \$250 per day per count with compliance 23 April 2019 by 5pm. Compliance hearing

will be 24 April 2019.

32

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) -- **Dismissed**

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

Continuance granted to 24 Apr 2-19 for compliance

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.~~ **Dismissed.** **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 Special Magistrate granted the request to continue this case to 24 April 2019 for compliance.

33

Case # 18-2033

SK II, Inc.
Robert A. Spottswood - RA
2814 North Roosevelt Boulevard
Sec. 122-63 Review; enforcement
Officer Jorge Lopez
Certified Mail:
Initial Hearing: 3-27-2019

New Case

Count 1: The masonry wall behind store plaza was damaged and needs to be replaced as per Resolution 89-26. Our records indicate that an application has not been submitted to rebuild the masonry wall. The only permit applied for is Permit #2018-2722 to remove fence debris.

Jason Wolf of LPI Holdings attended for the respondent. Officer Jorge Lopez gave testimony that on Nov. 30 we received a complaint from the Mayor's office about the wall has not been rebuilt after Irma and we have a resolution for that wall. As of today, we do not have a permit to build that wall. They were notified about three months ago about this problem and there isn't much that has been done about this. This wall is from a development plan when they built Winn-Dixie in 1989. Mr. Wolf stated they have had problems with the insurance company that didn't comply until December. Since then they have contacted engineers. They should have the drawings by Friday and waiting for bids. As soon as we get the bids, we will get the permits to get the construction done. They have been in contact with the City. The Special Magistrate asked if they were asking for a continuance and Mr. Wolf said that would be great. The Special Magistrate stated he will put it for April 24 and the reason being is to make sure that LPI Holdings is forwarding information to the City.

34

Case # 18-2036

Judith Morales

2612 Seidenberg Avenue

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptionsSec. 14-37 Building permits; professional plans; display of permits;
address; exceptionsFBC 1612.4 & ASCE 24-05 Flood Hazard construction, unprotected
enclosed below design flood elevation

Officer Jorge Lopez

Certified Mail: 2-15-2019

Initial Hearing: 3-27-2019

New Case

Count 1: Failure to obtain building permits for a garage converted into a living space. **Count 2:** Failure to obtain a building permit for a fence that was installed in the back yard and a gate on the side of the house.

Count 3: Within a FEMA delineated type AE-8 flood zone, constructed a residential building below the minimum flood safety elevation in the Special Flood Hazard area and on 5 Nov 2013 FEMA Coordinator rejected the application.

Judith Morales attended the hearing. Officer Jorge Lopez gave testimony that on Nov. 30 received an anonymous complaint of two illegal units built without permits at this property. When he went to the property he observed how the garage was built into habitable space. According to our records about five years ago the property owner applied for permits to build this habitable space but per the FEMA coordinator it was rejected. On my observation there is build a habitable space there built without permits. Also I observed a fence that was built without permits as well. The property owner was notified at that time and a contractor applied about three weeks ago for the permit. There is more information requested to process these permits. The Building Department has not received the information as of today. Officer Lopez stated they applied for a fence permit, and one permit for the habitable space and sliding doors. The Special Magistrate asked about two habitable spaces and Officer Lopez stated he was only able to verify just one and that is why she was only cited for one. Ms. Morales gave testimony that when she was notified she tried to get a contractor and she just got one. He has been very busy and she is requesting more time to come into compliance. The Special Magistrate asked if she is asking for a continuance and Ms. Morales stated please that would be great. Officer Lopez has been in contact with the contractor to tell him what is needed for the permit and he stated he has been busy. Officer Lopez stated that the City would like to get a finding of the violation and we will work with them to come into compliance. The Special Magistrate stated that this is a safety issue more than anything else because this was built without permits so there is no electrical, plumbing or contraction inspections to meet code. The Special Magistrate stated she was definitely in violation and he can't let this go

on for to long as he can't take a chance that something is going to happen. The Special Magistrate stated that by her own admission there is a violation. There will be \$250 court cost with a \$250 per day per count fine with compliance 23 April at 5pm. The compliance hearing will be 24 April 2019.

35

Case # 18-1079

Kermit Inc

Kevin Joseph Solari - Registered Agent

431 Front Street B

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

Sec. 14-40 Permits in the historic districts

Sec. 114-103 ~~Prohibited signs~~ -- **Dismissed**

Officer Paul Navarro

Certified Mail: 1-2-2019 - Registered Agent

Certified Mail: 1-8-2019 - Kermit, Inc.

Initial Hearing: 1-30-2019

In compliance 15 Mar 2019; Pending administrative fees

Count 1: Failure to obtain the required permit for a wood frame with a sign. **Count 2:** Failure to obtain a certificate of appropriateness for signs in the rear, side and front of the subject property. **Count 3:** ~~A prohibited sign has been placed at the subject property.~~ - Dismissed

The Special Magistrate granted to request to dismiss this case once the administrative fee has been paid.

36

Case # 19-33

808 Southard Street LLC

Peter Nelson Brawn

G,B & B-B Registries, LLC

812 Southard Street

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

Sec. 14-10 Permits in historic districts

Sec. 14-262 Request for inspection

Sec. 122-629 Prohibited Use

Officer Paul Navarro

Certified Mail: 3-4-19 - G,B & B-B Registries, LLC

Initial Hearing: 3-27-2019

Continuance granted to 24 April 2019

Count 1: A total of 8 lights that have been installed at the subject property without the benefit of a permit. **Count 2:** Eight lights were installed without the benefit of a certificate of appropriateness. **Count 3:** The 8 lights were installed at the subject property without the benefit of required inspections. **Count 4:** Subject property has two different zones which are HNC-2 and HHDR that are being used as a parking lot. On the HHDR zone, there is no conditional use on file allowing this to be used as a parking lot.

The Special Magistrate granted the request for continuance to 24 April 2019.

37

Case # 19-220

Church Bethel A M E

907 Thomas Street

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

Officer Dorian Patton

Certified Served:

Initial Hearing: 3-27-2019

Request continuance for good service

Count 1: Failure to obtain building permit for interior demolition work being performed.

The Special Magistrate granted the request to continue this case to 24 April 2019 for good service.

Adjournment