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SENT VIA ELECTRONIC TRANSMISSION

January 22, 2020

Cheri Smith, City Clerk
City of Key West
1300 White Street
Key West, Fl 33040

Re: Code Enforcement Lien Mitigation for Jan Isherwood

Dear Ms. Smith:

I represent Jan Isherwood. We were originally scheduled to present her request for reduction of Code fines at tonight's City Commission meeting. Last week, we requested that her agenda item be rescheduled to either late February or early March due to Ms. Isherwood's need to be out of town. I was told by Mr. Wallace this morning that the matter would have to be addressed at tonight's meeting. Unfortunately, neither Ms. Isherwood nor myself can be present tonight. As you may know, Ms. Isherwood lost her home in foreclosure and has been living a transient lifestyle. She is presently consumed with finding an affordable, stable home.

I believe that it is imperative that Ms. Isherwood be present to personally testify for consideration of reduction of her Code fines, since I did not represent her during her Code case. Under Sec. 2-645, City of Key West Code, (see attached), she is entitled to fair consideration of reduction of fines by the City Commission.

For the reasons stated, we respectfully request that the Key West City Commission table her agenda item tonight and reschedule it for a date in either late February or early March. There is no prejudice to the City Commission in giving Ms. Isherwood this courtesy. Should the Commission decide not to reschedule this matter, I ask that we be given time to submit a written defense. Further, due to Commissioner Weekly's lawsuit and personal involvement in Ms. Isherwood's Code case, in the interest of justice, we ask that he recuse himself from participation in this matter.

Thank you for your consideration.

Sincerely,


Lee R. Rohe, Esq.

cc: Geprge Wa;;ace. Esq.
Jim Young, Code Director
Client

Sec. 2-645. - Determination of fines; reduction of fines; additional fees.

- (a) In determining the amount of any fine, if any, under this division, the special magistrate shall consider the following factors:
 - (1) The gravity of the violation, including, but not limited to, the impact of the violation on life, health or safety issues;
 - (2) Any actions taken by the violator to correct the violation; and
 - (3) Any previous violations committed by the violator.
- (b) The special magistrate may reduce a fine imposed pursuant to this division pursuant to section 2-682.
- (c) In addition to such fines, the special magistrate may impose all costs incurred by the city in enforcing its codes against a violator and all costs of repairs incurred by the city in achieving compliance.

(Code 1986, § 13.06(d), (e); Ord. No. 16-06, § 15, 5-17-2016)

State Law reference— Similar provisions, F.S. § 162.09(2)(b), (c), (d).