



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Thursday, October 31, 2024

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 # 24-1085

Erne Buildings Inc.
1900 Flagler Ave
Sec. 110-291 Compliance Settlement Agreements
Officer Erin Buechele
Hand Served: 9-20-2024- **Amended Notice**
Initial Hearing: 9-26-2024

Continued from 26 September 2024

Count 1: Failure to comply with the settlement agreement.

The Code Officer was Erin Buechele. The Respondent did not attend. Planner Dan Gulizio was present on behalf of the City. Dan Gulizio explained the violation that occurred where the violator entered into a settlement agreement and there is non compliance with the settlement agreement. The City requested a finding of the violation with \$250.00 administrative cost and \$250.00 per count per day until compliance is met. The Special Magistrate thought that there was substantial evidence for a finding of the violation and imposed \$250.00 administrative cost and \$250.00 per count per day if not in compliance by 1 November 2024 by 5:00PM.

2

Case # 24-1056

Rossi Family LLLP
GB & BB Registries LLC

3515 Eagle Ave
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Sophia Doctoche
Certified Mail: 9-18-2024
Initial Hearing: 10-31-2024

New Case

Count 1: Failure to apply and obtain a non-transient license with the City of Key West Licensing Department.

The Code Officer was Sophia Doctoche. The Respondent did not attend. Officer Doctoche read her timeline and evidence was shown. The City requested a finding of the violation with \$250.00 administrative cost and \$250.00 per count per day. The Special Magistrate thought that there was substantial evidence for a finding of the violation and imposed \$250.00 administrative cost and \$250.00 per count per day if not in compliance by the 14th of November 2024.

3

Case # 24-1091

Suzanne Moore Real Estate
Suzanne M. Moore- **Registered Agent**
3615 Eagle Ave
Officer Sophia Doctoche
Certified Mail: 8-26-2024
Initial Hearing: 9-26-2024

In compliance as of 29 August 2024; Request dismissal

Count 1: Failure to apply and obtain a non-transient license with the City of Key West Licensing Department.

This case came into compliance as of 29 August 2024. The Special Magistrate granted the dismissal.

4

Case # 24-1177

Salt Life LLC
404 Duval Street
Sec. 18-228 Unlawful signs
Sec. 18-256 License required
Officer Ashton Gentry
Hand Served: 10-16-2024
Initial Hearing: 10-31-2024

Request dismissal without prejudice

Count 1: Failure to apply and obtain a going out of business permit with the City of Key West Licensing Department.

Count 2: Failure to apply and obtain a going out of business permit with the City of Key West Licensing Department.

The City requested for this case to be dismissed without prejudice. The Special Magistrate granted the dismissal without prejudice.

5

Case # 22-328

712 Eaton St Land Trust

Eaton St Enterprises LLC

Richard M. Klitenick- **Registered Agent**

712 Eaton Street

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

Sec. 14-40 Permits in historic districts

Sec. 122-600 Dimensional requirements

Officer Keenan Mellendorf

Hand Served: 7-15-2024

Initial Hearing: 7-25-2024

Continued from 26 September 2024

Count 1: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

Count 2: Failure to apply and obtain a certificate of appropriateness with the City of Key West HARC Department.

The Code Officer was Paul Navarro. Attorney Wayne Smith was present on behalf of the Respondent. Director Jim Young was present on behalf of the City. City Attorney Ron Ramsingh was present on behalf of the City. Attorney Smith asked for a continuance due to there was no re-notice for the October hearing. City Attorney Ramsingh stated that the City objects to the fact that this hearing was not properly noticed, but if the Respondent wants to make an argument that he is not prepared to move forward today the City would not object. The Special Magistrate stated that to avoid appeals that may happen after the hearing he would grant one last continuance. The Special Magistrate granted a continuance to 21 November 2024.

6

Case # 24-1139

On Pointe Restaurant Group LLC

La Trattoria

Darren Horan- **Registered Agent**

522 Duval Street

Sec. 26-32 Nuisances illustrated

Officer Alma Montano
Certified Mail: 9-13-2024
Initial Hearing: 10-31-2024

New Case

Count 1: Failure to prevent water from discharging onto the City right of way.

The Code Officer was Alma Montano. The Respondent Bill Lay Manager of La Trattoria was present. Officer Montano read her timeline and evidence was shown. Officer Montano stated that this property has had the same violation of water running onto the City right of way before and that the Respondents are in compliance, but the City would be requesting a finding of the violation since there were prior cases for the same violation. Bill Lay explained that the Code Officers findings were correct, and that in the past he was out of town and instructed someone else to correct the issue, but the issue never was corrected. The City requested a finding of the violation with \$250.00 administrative cost.

7

Case # 24-1140
LCM Thomas LLC
Gregory Oropeza- **Registered Agent**
903 Thomas Street
Sec. 26-32 Nuisances illustrated
Officer Alma Montano
Certified Mail: 9-24-2024
Initial Hearing: 10-31-2024

Continuance granted to 21 November 2024

Count 1: Failure to prevent water from discharging onto the City right of way.

This case was previously granted a continuance to 21 November 2024.

8

Case # 24-1043
Corporation Service Company
Circle K #9004
3228 Flagler Ave
Sec. 58-31 Container and receptacle requirements
Sec. 62-31 Maintenance of area between property line and adjacent paved roadway
Officer Laurie Skinner
Certified Mail: 8-13-2024
Initial Hearing: 8-29-2024

In compliance as of 11 September 2024; Request dismissal

Count 1: Failure to provide sufficient containers to contain all refuse between collections.

Count 2: Failure to keep clean the area between the property line and the nearest adjacent paved roadway.

This case came into compliance as of 11 September 2024. The Special Magistrate granted the dismissal.

9

Case # 23-401

901 Fleming Street LLC

Joseph Cohen- **Registered Agent**

901 Fleming Street

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

Sec. 90-363 Certificate of occupancy required

Sec. 90-363 Certificate of occupancy required

Sec. 90-363 Certificate of occupancy required

Sec. 58-61 Determination and levy of charge

Sec. 58-61 Determination and levy of charge

Sec. 58-61 Determination and levy of charge

Officer Leo Slecton

Certified Mail: 2-29-2024

Initial Hearing: 3-28-2024

Continuance granted to 21 November 2024

Count 1: Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.

Count 2-4: Failure to apply and obtain a Certificate of Occupancy with the City of Key West Building Department.

Count 5-7: Failure to apply and obtain a LUD with the City of Key West Planning Department.

This case was previously granted a continuance to 21 November 2024.

10

Case # 24-1060

Southernmost Contracting LLC

Kevin Pickett

518 Margaret Street

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

Sec. 14-40 Permits in historic districts

Officer Leo Slecton
Certified Mail: 8-21-2024
Initial Hearing: 8-29-2024

Continued from 26 September 2024

Count 1: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

Count 2: Failure to apply and obtain a certificate of appropriateness with the City of Key West HARC Department.

The Code Officer was Leo Slecton. The Respondent Kevin Pickett was present. Kevin Pickett gave an update about the case, and stated that he is doing everything he can to come into compliance and that he has been waiting on the City. Kevin Pickett asked for an extension of his compliance date. The City did not object. The Special Magistrate granted an extension of compliance date to 21 November 2024.

11

Case # BLD24-17

Yahman's LLC

Mark Thompson- **Registered Agent**

2510 N Roosevelt Blvd #1

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

Officer Leo Slecton

Hand Served: 10-3-2024

Initial Hearing: 10-31-2024

New Case

Count 1: Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.

The Code Officer was Leo Slecton. The Respondent Mark Thompson was present. Officer Slecton read his timeline and evidence was shown. The Respondent stated that he obtained a business tax receipt and explained how he did not know he needed to obtain one. The Respondent showed Officer Slecton his business tax receipt to which Officer Slecton told the court that the business tax receipt was for Monroe County and that he did not have a City of Key West business tax receipt. The Respondent was told that he needed to speak with the City of Key West Licensing Department to obtain a City of Key West business tax receipt. The City requested a finding of the violation with \$250.00 administrative cost and \$250.00 per count per day if not in compliance by the 8th of November 2024. The Special Magistrate thought that there was substantial evidence for a finding of the violation and imposed \$250.00 administrative cost and \$250.00 per count per day if not in compliance by the 8th of November 2024.

Liens

12

Case # 22-1046

Santos Todd Charles Rev Trust
3635 Seaside Drive 404
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Sophia Doctoche
Certified Mail: 9-2-2022
Initial Hearing: 9-29-2022

Lien

Count 1: Failure to apply and obtain a non-transient license with the City of Key West Licensing Department.

Ashley Dixon Legal Analyst City of Key West was present. The Respondent did not attend. Ashley Dixon read her timeline. The City of Key West requested for the Special Magistrate to impose a lien on this property for not obtaining a non-transient license with the City of Key West Licensing Department. The Special Magistrate granted for the lien to be imposed.

13

Case # 24-726

DD 81 Holdings LLC
C/O John Sansac
908 Caroline Street
Sec. 74-31 Unlawful deposits
Sec. 58-34 Unlawful disposal
Officer Laurie Skinner
Hand Served: 5-14-2024
Initial Hearing: 5-23-2024

Lien

Count 1: Failure to cease the deposit of any human or animal excrement, garbage, or other waste on any public property within the City.
Count 2: Failure to lawfully deposit hazardous waste.

Ashley Dixon Legal Analyst City of Key West was present. The Respondent did not attend. Ashley Dixon read her timeline. The City of Key West requested for the Special Magistrate to impose a lien on this property for not paying irreparable fines that were imposed at the 27 June 2024 hearing. The Special Magistrate granted for the lien to be imposed.

Mitigations

14

Case # 22-1194

Kava Culture Key West Co.

Jacqueline L. Rusher- **Registered Agent**

901 Fleming Street

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

Officer Paul Navarro

Certified Mail: 12-16-2022

Initial Hearing: 1-26-2023

Mitigation**Count 1:** Failure to apply and obtain a business tax receipt with the City
of Key West Licensing Department.

Ashley Dixon Legal Analyst City of Key West was present. Attorney John Silverfield was present via zoom on behalf of the Respondent. Respondent Jacqueline Rusher was present via zoom. Director Jim Young was present on behalf of the City. Amanda Brady Chief Licensing Official was present on behalf of City. City Attorney Ron Ramsingh was present on behalf of the City. The Respondents were trying to mitigate a \$57,250.00 fine for not obtaining a food service business tax receipt from the City of Key West Licensing Department. At a hearing on 29 August 2024 the Special Magistrate imposed \$250.00 administrative cost and \$250.00 per count per day if compliance is not achieved by 1 September 2024. The fines began to run on 1 September 2024 and the Respondents came into compliance on 16 April 2024, so the fines ran for 228 days. The Respondents were offering to pay \$1,250.00 of the \$57,250.00 fine. Director Jim Young explained the mitigation ordinance to the Special Magistrate. Attorney Silverfield stated that there was initial confusion regarding the specific business tax receipt required for their establishment. They argued that they were advised that a retail business tax receipt was sufficient for their operations. However, it was later clarified that a food service business tax receipt was necessary, which led to delays in obtaining the correct license. Jacqueline Rusher explained that she did not know that these hearing were being conducted and did not know that there were fines associated with this case especially fines that were running. Ashley Dixon Legal Analyst stated that the finding and order was posted at the business on 3 November 2023. Chief Licensing Official Amanda Brady stated that there was extensive communication with the respondent over several months, starting from May 13, 2022, and continuing through April 2024. Amanda Brady noted that the City had attempted to guide the respondent through the necessary steps but was unable to obtain timely responses or full compliance. The City also indicated that despite multiple notices, the respondent did not apply for the correct business tax receipt in a timely manner, which led to the imposition of fines. The Special Magistrate acknowledged the mitigating factors, including the respondent's attempts to work with city officials and their belief that they were in compliance. However, the Special Magistrate also recognizes the aggravating factors, including the failure to attend scheduled hearings, delays in compliance, and inconsistent communication. The Special Magistrate also noted that the failure to attend the hearings, and delays in obtaining the

necessary permits were contributing factors to the non-compliance. The Special Magistrate denied the Respondents motion to mitigate the fines. The Respondents were ordered to pay \$57,250.00.

Adjournment