



**THE CITY OF KEY WEST**  
**Code Compliance Division**  
P.O. BOX 1409  
KEY WEST, FL 33041  
**(305) 809-3740**

**NOTICE OF CODE VIOLATION AND  
ADMINISTRATIVE HEARING**

DATE: February 23, 2012  
RE: CASE NUMBER 12-302

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5346 2265

To:  
David Neil Austin  
1215 Duncan Street  
Key West, FL 33040

Subject Address:  
1215 Duncan Street  
Key West, FL 33040

**TAKE NOTICE** that the City of Key West Code Compliance Division has requested the City of Key West Special Magistrate to conduct an administrative hearing regarding code violation(s) reported to you by

**NOTICE OF CODE VIOLATION** concerning the above noted subject address.

You were noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

**Count 1:** A non-transient business tax receipt for two units is required to rent your property. Your last payment was received for the year 10/01/2007-09/30/2008.

**Sec. 66-102 Dates due and delinquent; penalties.**

(a) All licenses shall be sold by the city beginning August 1 of each year, are due and payable on or before September 30 of each year, and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Licenses that are not renewed when due and payable are delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

(b) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the license due, in addition to any other penalty provided by law or ordinance.



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**Code Compliance Division**

P.O. BOX 1409  
KEY WEST, FL 33041  
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**NOTICE OF CODE VIOLATION AND  
ADMINISTRATIVE HEARING**

DATE: February 23, 2012  
RE: CASE NUMBER 12-302

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5346 2258

To:	Subject Address:
David Neil Austin	1215 Duncan Street
1525 Spiced Wine Avenue, Unit 14103	Key West, FL 33040
Henderson, NV 89074	

**TAKE NOTICE** that the City of Key West Code Compliance Division has requested the City of Key West Special Magistrate to conduct an administrative hearing regarding code violation(s) reported to you by

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**Sec. 66-102 Dates due and delinquent; penalties.**

(a) All licenses shall be sold by the city beginning August 1 of each year, are due and payable on or before September 30 of each year, and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Licenses that are not renewed when due and payable are delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

(b) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the license due, in addition to any other penalty provided by law or ordinance.



# THE CITY OF KEY WEST

## Code Compliance Division

P.O. BOX 1409  
KEY WEST, FL 33041

**(305) 809-3740**

## NOTICE OF CODE VIOLATION AND ADMINISTRATIVE HEARING

DATE: February 23, 2012

RE: CASE NUMBER 12-302

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5346 2234

To:  
David Neil Austin  
2755 Strathblane Avenue  
Henderson, NV 89044

Subject Address:  
1215 Duncan Street  
Key West, FL 33040

**TAKE NOTICE** that the City of Key West Code Compliance Division has requested the City of Key West Special Magistrate to conduct an administrative hearing regarding code violation(s) reported to you by

**NOTICE OF CODE VIOLATION** concerning the above noted subject address.

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**Count 1:** A non-transient business tax receipt for two units is required to rent your property. Your last payment was received for the year 10/01/2007-09/30/2008.

### **Sec. 66-102 Dates due and delinquent; penalties.**

(a) All licenses shall be sold by the city beginning August 1 of each year, are due and payable on or before September 30 of each year, and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Licenses that are not renewed when due and payable are delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

(b) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the license due, in addition to any other penalty provided by law or ordinance.

(c) Any person who engages in any business, occupation, or profession covered by this article who does not pay the required business tax within 150 days after the initial notice of tax due and who does not obtain the required business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.00.

**To Wit:** The above property has been rented by William Virgil Montgomery in Unit 1 and Destiny Blue Montgomery in Unit 2. Keys Energy shows electric service in Mr. Montgomery's name since 08/27/2008. There is also a rental agreement between Cathy Fernandez, The Hip Tourist, your agent and William Montgomery and Robin Gregory as tenants. This business tax receipt is delinquent due and payable for the years 10/01/2008-09/30/2009; 10/01/2009-09/30/2010; 10/01/2010-09/30/2011; and 10/01/2011-09/30/2012. You are also responsible for all back fines and additional charges.

**For your information:** The Code of Ordinances requires you as the owner of the property to pay the delinquent sewer/solid waste account before any payment can be made for the delinquent business tax receipt. You may contact the Utility Department at (305) 809-3861 to obtain that amount and make payment. The current amount delinquent is \$1,432.62.

In accordance with Florida Statutes § 162 and Code of Ordinances, City of Key West, § 2-631 through § 2-647, The City of Key West has scheduled a hearing to be held at **Old City Hall, 510 Greene Street, Key West, Florida at 1:30 P.M. on:**

**March 28, 2012**

The Chambers will be open at 1:00 PM. These proceedings may be televised.

The purpose of this hearing is to determine if a violation(s) exists, the appropriate action to be taken, if any is required, and if any fines or penalties are to be imposed. **YOU ARE REQUESTED TO APPEAR AT THIS HEARING** to present evidence and/or testimony to show cause, if any, why you should not comply with City Ordinances. **YOUR FAILURE TO APPEAR MAY RESULT IN A FINE OR PENALTY BEING IMPOSED AGAINST YOU AND A LIEN BEING IMPOSED UPON YOUR PROPERTY.**

You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

If you intend to request a continuance from the Hearing Date set out above you must submit a written request for a continuance addressed to the Special Magistrate and mailed to PO Box 1409, Key West, FL 33041 or delivered to the Special Magistrate's Legal Analyst at 3139 Riviera Drive, Key West, FL 33040. All requests must be received at least five (5) working days prior to the Hearing Date set out above. If the request is not received five (5) working days prior to the Hearing Date you or your attorney must appear on the Hearing Date to petition the Special Magistrate for a continuance. If any continuance is granted this will not stay discovery and all records previously requested must be supplied to the City or formally objected to.

**Be advised that, if you decide to appeal any decision of the Special Magistrate in this code enforcement hearing, you shall be responsible to ensure that a verbatim record of the proceedings of this code enforcement hearing is made, such that any evidence and testimony upon which an appeal may be based can be submitted to the appellate court.**

