



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, January 27, 2022

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.

You may also attend these meetings virtually via Zoom by telephoning +1 301-715-8592, Meeting ID: 880 7343 0744 Passcode: 976559 or online at <https://cityofkeywest-fl-gov.zoom.us/j/88073430744?pwd=WnE4Q01KZ3hISitlNnZBS0NON0Ntdz09> Passcode: 976559

Call Meeting to Order

Code Violations

1

Case # 19-1707

211 Duval Company

C/O Duval Group

Charles Ittah- Registered Agent

215 Duval Street

~~Sec. 2-939 Licenses-~~ **Dismissed**

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

Sec. 114-108 Maintenance of all signs

~~Sec. 14-40 Permits in historic districts-~~ **Dismissed**

Officer Igor Timus

Certified Mail: 10-4-2021

Initial Hearing: 11-18-2021

Continued from 16 December 2021

~~Count 1: Failure to apply and obtain a revocable license from the City of Key West Licensing Department.-~~ **Dismissed**

~~Count 2: Failure to apply and obtain a permit from the City of Key West-~~

~~Building Department.~~ - **Dismissed**

Count 3: Failure to restore historic sign.

~~Count 4: Failure to apply and obtain a certificate of appropriateness from the City of Key West HARC Department.~~ - **Dismissed**

The Code Officer was Igor Timus. Attorney Greg Oropeza was present representing the Respondent. Assistant City Attorney Ron Ramsigh was present as well. Attorney Oropeza asked for a continuance due to the contractors that were hired to repair the sign could not get the parts to repair the sign. The sign repair company had wrote a letter stating the fact that they are trying to get the sign repaired. The Special Magistrate granted the continuance to 24 February 2022.

2

Case # 20-31

Florida Limited Liability Company

530 William Street LLC

F&L Corp- Registered Agent

719 Fleming Street

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

Officer Igor Timus

Certified Mail: 10-25-2021

Initial Hearing: 11-18-2021

Continued from 18 November 2021

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

The Code Officer was Igor Timus. Attorney Richard McChesney was present representing the Respondent. Assistant City Attorney Ron Ramsigh was present as well. Assistant City Attorney Ramsigh stated that he had spoken with Attorney McChesney before hand and that the Respondent is working hard to come into compliance and they are willing to extend the compliance date in return for a admission of the violation. Assistant City Attorney Ramsigh asked to impose a finding with \$250.00 Administrative Fee and \$250.00 per count per day with a 60 day compliance date. Attorney McChesney agreed with Assistant City Attorney Ramsighs statement and said that they will submit an application for a demolition permit to get this case into compliance. The Special Magistrate imposed a finding, \$250.00 Administrative Fee and \$250.00 per count per day if not in compliance by 22 March 2022.

3

Case # 21-1808

Rent Key West Vacations Inc.

Paul N Hayes- Registered Agent

Michael A. Mele- Property Owner

504 Catherine Street

Sec. 18-601 License required- **Irreparable**
 Sec. 122-1371 Transient living accommodations in residential dwellings;
 regulations- **Irreparable**
 Sec. 122-1371 Transient living accommodations in residential dwellings;
 regulations D(9)- **Irreparable**
 Officer Sophia Doctoche
 Certified Mail: 11-22-2021- Rent Key West Vacations Inc.
 Certified Mail: Michael A. Mele
 Initial Hearing: 12-16-2021

Continued from 16 December 2021

Count 1-5: Unlawful to lease a residential property for a period of less than thirty days or one calendar month without having obtained a business tax receipt.- **Irreparable**
Count 6-8: Failure to obtain the required city, county or state license for holding out/ advertising a short-term rental at this property.- **Irreparable**
Count 9-13: Unlawfully holding out this short-term rental for five nights.- **Irreparable**

The Code Officer was Sophia Doctoche. Assistant City Attorney Ron Ramsigh was present on behalf of the City. Attorney Susan Cardenas was present on behalf of the Respondent. Attorney Cardenas stated that she was asking for a continuance to the next Code Hearing date. She also stated that they are waiting on a document from the City that would put this property into compliance. Assistant City Attorney Ron Ramsigh stated that he had talked with Susan Cardenas about requesting documents from the City and that the City does not object to the continuance. The Special Magistrate granted the continuance to 24 February 2022.

4

Case # 20-524

Gregory G Farrelly- Registered Agent
 828 Windsor Lane
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Sec. 58-61 Determination and levy of charge
 Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
 Officer Edward Keane
 Certified Mail: 6-30-2021
 Initial Hearing: 6-24-2021

Continued from 21 October 2021

Count 1: Failure to submit as built certifications to the City of Key West.
Count 2: Failure to apply and obtain an LUD with the City of Key West

Planning Department.

Count 3: Failure to apply and obtain a non-transient license from the City of Key West Licensing Department.

Director Jim Young was present. Attorney Van Fischer was present representing the Respondent. Director Young stated that the Respondent did apply for a LUD to the Planning Department and the Planning Department denied the application. Mr. Fischer did file an appeal and was supposed to be on the January City Commission Meeting but got pushed back to 1 February 2022 City Commission Meeting. The Special Magistrate granted a continuance to 24 February 2022.

5

Case # 21-1851

Coastal Collection

Robert Coe- Property Manager

1901 S Roosevelt Blvd 103N

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

Officer Sophia Doctoche

Certified Mail: 12-13-2021

Initial Hearing: 1-27-2022

In compliance as of 15 December 2021; Request finding

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 was not present. Officer Doctoche stated that the property was in compliance and she went on to read her timeline. She also stated that they would like a finding of the violation as this is not the first time they have been cited and it seems like these Real Estate Companies keep violating the same ordinance. The Special Magistrate granted the finding of violation with \$250.00 Administrative Fee.

6

Case # 21-1888

Justin Jangraw

Heather Jangraw

1609 Catherine Street

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

Officer Sophia Doctoche

Certified Mail: 12-23-2021

Initial Hearing: 1-27-2022

In compliance as of 30 December 2021; Request finding

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 was not present. Officer Doctoche stated that the property was in compliance and she went on to read her timeline. The City was requesting a \$250.00 Administrative Fee. The Special Magistrate granted the finding \$250.00 Administrative Fee.

7

Case # 21-1837

The Local Butcher Shop & Market
Island City Butcher Shop, LLC
Raymond Vasquez- Registered Agent
1202 White Street
Sec. 30-1 Fees for false alarms and fire code inspections
Officer Keenan Mellendorf
Certified Mail:
Initial Hearing: 1-27-2022

In compliance as of 20 January 2022; Request dismissal

Count 1: Failure to pay fire inspection fees.

This case came into compliance as of 20 January 2022. The Special Magistrate granted the dismissal.

8

Case # 21-391

Christian E Teves and Michael S Burau
533 Petronia Street
Sec. 62-2 Obstructions
Officer Paul Navarro
Certified Mail: 6-7-2021
Initial Hearing: 6-24-2021

Continued from 21 October 2021

Count 1: Failure to remove obstructing palm trees from the right-of-way.

The Code Officer was Paul Navarro. The home owner Eric Teves was present. Director Jim Young was present on behalf of the City. Assistant City Attorney Ron Ramsingh was present as well. Director Young stated that there is a new ordinance that is being drafted now for easements. Assistant City Attorney stated that the ordinance draft should come before the City Commission in February which will help home owners like Eric Teves with obtaining easements at a lower rate. The City is asking for a continuance to wait on the draft of the new ordinance. The Special Magistrate granted the continuance to

24 February 2022.

9

Case # 21-1631

Tadd Mallard
3359 Flagler Ave
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Paul Navarro
Hand Posted: 12-1-2021
Initial Hearing: 12-16-2021

Continued from 16 December 2021

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

The Code Officer was Paul Navarro. The Respondent Tadd Mallard was present via Zoom. Officer Navarro stated that Mr. Mallard was wanting to request a continuance. Mr. Mallard stated that he was trying to find a contractor to do the work that was needed but him and his family had contracted COVID which they had to quarantine. The City did not object to the continuance. The Special Magistrate granted the continuance to 24 February 2022.

10

Case # 21-1846

Margaritaville Beach House Key West
Diamondrock KW South Tenant, LLC
2001 S Roosevelt Blvd
Sec. 30-5 Excessive false alarms declared a public nuisance
Sec. 30-6 False alarm signal service charge; collection
Officer Paul Navarro
Hand Posted: 12-1-2021
Initial Hearing: 12-16-2021

In compliance as of 20 January 2022; Request dismissal

Count 1: Failure to avoid more than three false alarms within a 12-month period.

Count 2: Failure to pay false alarm fees with the City of Key West Revenue Department or City of Key West Fire Department.

This case came into compliance as of 20 January 2022. The Special Magistrate granted the dismissal.

11

Case # 21-1537

Richard Hoy
1011 Windsor Lane

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 14-40 Permits in historic districts
Sec. 14-256 Permit required
Sec. 14-262 Request for inspection
Sec. 14-359 Permit display
Sec. 18-117 Acts declared unlawful
Officer Leo Slecton
Certified Mail: 9-27-2021
Initial Hearing: 10-21-2021

Settlement Agreement

Count 1: Failure to apply and obtain a 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.

Count 3: Failure to apply and obtain electrical permits with the City of Key West Building Department.

Count 4: Failure to schedule a required inspection with the City of Key West Building Department.

Count 5: Failure to apply and obtain a plumbing permit with the City of Key West Building Department.

Count 6: Failure to apply and obtain a Business Tax Receipt with the City of Key West Licensing Department.

This case has a Settlement Agreement of \$250.00 Administrative Coast and \$250.00 per count per day for a daily fine of \$1,500.00 if not in compliance by 14 February 2022. The Settlement Agreement was signed by all parties and the Special Magistrate executed the agreement.

12

Case # 21-1537

Alan Walker
1011 Windsor Lane
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions- **Repeat**
Sec. 14-40 Permits in historic districts- **Repeat**
Sec. 14-256 Permit required
Sec. 14-262 Request for inspection
Sec. 14-359 Permit display
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 Leo Slecton
Hand Posted- 10-15-2021
Initial Hearing: 10-21-2021

Continued from 16 December 2021

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

Count 2: Failure to apply and obtain a Certificate of Appropriateness with the City of Key West HARC Department.- **Repeat**

Count 3: Failure to apply and obtain electrical permits with the City of Key West Building Department.

Count 4: Failure to schedule a required inspection with the City of Key West Building Department.

Count 5: Failure to apply and obtain a plumbing permit with the City of Key West Building Department.

Count 6: Failure to apply and obtain a Business Tax Receipt with the City of Key West Licensing Department.- **Repeat**

Count 7: Failure to achieve Certificate of Competency.- **Repeat**

The Code Officer was Leo Slecton. The Respondent Alan Walker was present. Assistant City Attorney Ron Ramsingh was present as well. Assistant City Attorney Ramsingh started off by recapping what was happening with this case. Officer Slecton read his timeline. The Respondent Mr. Walker stated that the testimony of Officer Slecton was only partly true and that he did not know about the Richard Hoy Settlement Agreement or that Edward Chilton testified against him. The Respondent went on to say what exactly he was doing at the house and that he was not the unlicensed contractor. The Special Magistrate asked why he didn't show up to the 1:30 September 14th 2021 meeting with Director Jim Young and Code Officer Leo Slecton. The Respondent stated that he told Officer Slecton that he might be able to make it and if he had known John Spencer was meeting with them he would have shown up. The Respondent Mr. Walker asked the Special Magistrate for a continuance so that he can get more information against John Snider and Richard Hoy who he believes was the unlicensed contractor. The Special Magistrate did not grant the continuance due to the Respondent has had enough time to handle the matter. The Respondent then said that there was a conflict of interest and that he has done work the Special Magistrate at his law business. Assistant City Attorney Ramsingh stated that the City does not recognize the conflict of interest. The Respondent elaborated more on the work he said he did at the law office of Donald Yates but could not give a date as to when the work took place. Assistant City Attorney Ramsingh objected to the Respondents testimony. The Special Magistrate found that there is a violation and imposed a onetime fine of \$1,000.00 from the previous signed Settlement Agreement and \$500.00 for four repeat counts and \$250.00 for three counts for a total of \$3,750.00.

13

Case # 18-1639

Jessica Clark

1824 Fogarty Ave 1

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
Sec. 14-72 Minimum facilities
Officer Jim Young
Certified Mail: 1-27-2021
Initial Hearing: 2-18-2021

Continued from 16 December 2021

Count 1: Failure to apply and obtain a certificate of occupancy for the unit located in the rear side of the property.

Count 2: Failure to contact the Planning Department to apply and obtain cost of impact fees.

Count 3: Failure to provide an as-built certificate to the Building Department.

Count 4: Failure to remove the tarp and bed from this area.

Director Jim Young was present representing the City. The Respondent did not attend. Director Young stated that this is an update on the Respondent Jessica Clark's payment plan and that she has two more months to pay with a total of \$800.00 left. The City asked for a continuance. The Special Magistrate granted the continuance to 24 March 2022.

14

Case # 20-1493

Richard T Lewis
Susan Derosé
1102 Washington Street
Sec. 62-2 Obstructions
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. 62-2 Obstructions
Officer Jim Young
Hand Served: 3-25-2021
Initial Hearing: 2-18-2021

Continued from 21 October 2021

Count 1: Failure to contact the Engineering Department to obtain the proper permits for installation of plants, trees and shrubs on public easements.

Count 2: Failure to obtain permits to install plants, trees and shrubs on a public easement.

Count 3: Failure to contact the City of Key West Engineering Department to obtain the proper permits for installing plants, trees,

scrubs on public easement.

Count 4: Failure to contact the City of Key West Engineering Department to obtain the proper permits for installing plants, trees, scrubs on public easement.

Count 5: Failure to contact the City of Key West Engineering Department to obtain the proper permits for installing plants, trees, scrubs on public easement.

Director Jim Young was present. Assistant City Attorney Ron Ramsingh was present as well. The Respondent did not attend. Director Young stated that he had asked the Planning Director to attend, but she was not present. Director Young gave a brief summary of the case and that he wanted the Planning Department to give an update. Assistant City Attorney Ramsingh stated that there was no request for a continuance and that he feels a finding of the violations would need to be imposed now. The Special Magistrate imposed a finding of violations with \$250.00 Administrative Fee and \$250.00 per count per day if not in compliance by 22 March 2022.

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Case # 21-1910

Rose Petals in Paradise, LLC
Monica Woodbury- C/O Manager
4 Charles Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Jim Young
Certified Mail:
Initial Hearing: 1-27-2022

New Case

Count 1: Failure to apply and obtain a Business Tax Receipt with the City of Key West Licensing Department.

Director Jim Young was present. The Respondent did not attend. Director Young asked for a continuance so he can get good service. The Special Magistrate granted the continuance to 24 February 2022.

Adjournment