



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Enforcement Hearing

Thursday, June 26, 2025

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 # 25-765

RCJB Properties Inc
Bill Havre- **Registered Agent**
3401 Flagler Ave
Sec. 62-2 Obstructions
Officer Erin Buechle
Certified Mail: 6-5-2025
Initial Hearing: 6-26-2025

New Case

Count 1: Failure to clear palms back from the City right of way.

The Code Officer was Erin Buechle. The Respondent did not attend. Officer Buechle read her timeline and evidence was shown. The City requested a finding of the violation with \$250.00 administrative cost and \$250 per count per day until compliance is achieved. 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 7 July 2025.

2

Case # 25-21

Pho King Awesome Sake and Noodle Bar
Shukhrat Rakhimov- **Registered Agent**
626 Duval Street

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Ashton Gentry
Hand Served: 1-16-2025
Initial Hearing: 2-20-2025

City request to vacate findings and order; Request dismissal

Count 1: Failure to contact the City of Key West Licensing Department to update license for the excess seats.

The Code Officer was Ashton Gentry. The Respondent did not attend. The City requested vacating the finding and order. Officer Gentry stated this was because the business has since then gone out of business. The Special Magistrate granted the finding and order to be vacated and dismissed.

3

Case # 25-220

B.O's Fish Wagon Inc.
Dragonfly Consulting
801 Caroline Street
Sec. 109-4 Expiration and revocation
Officer Todd MacFarland
Hand Posted: 6-1-2025- **Amended Notice**
Initial Hearing: 5-22-2025

In compliance as of 17 June 2025; Request dismissal

Count 1: Failure to pay all past due, delinquent and collection fees for the delinquent business tax receipt.

This case came into compliance as of 17 June 2025. The Special Magistrate granted the dismissal.

4

Case # CCBLD25-42

Dailier Asfalto LLC
Dailier Perez Arrigoitia- **Registered Agent**
2900 N Roosevelt Blvd
Sec. 18-150 Certificate competency required- **Irreparable**
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Officer Todd MacFarlane
Certified Mail: **Amended Notice**

Initial Hearing: 5-22-2025

Continued from 22 May 2025

Count 1: Failure to achieve Certificate of Competency.- **Irreparable**

Count 2: Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.

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

The Code Officer was Todd Macfarlane. The Respondent did not attend. Officer Macfarlane requested a continuance to achieve good service for the amended that was sent. The Special Magistrate granted a continuance to 31 July 2025.

5

Case # CCBLD25-11

The Key West Hotel LLC

Richard M. Klintenick- **Registered Agent**

325 Duval Street

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

Sec. 14-40 Permits in historic district

Sec. 14-256 Permits required

Sec. 14-359 Permit display

Sec. 34-126 Permits

Sec. 14-328 Dangerous installations

Officer Alma Montano

Certified Mail: 3-21-2025

Initial Hearing: 4-17-2025

Request to dismiss without prejudice

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.

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

Count 4: Failure to apply and obtain plumbing permits with the City of Key West Building Department.

Count 5: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

Count 6: Failure to request an inspection from the City of Key West Building Department.

The City requested this case to be dismissed without prejudice. The Special

Magistrate granted the dismissal without prejudice.

6

Case # CCBLD25-33

DGK Key West LLC

Henry Degroot III

1320 Seminary Street

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

Sec. 18-117 Acts declared unlawful- **Irreparable**

Sec. 14-40 Permits in historic district

Sec. 58-61 Determination and levy of charge

Sec. 90-363 Certificate of occupancy required

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

Officer Alma Montano

Hand Posted: 6-16-2025- **Amended Notice**

Initial Hearing: 5-22-2025

Continuance granted to 31 July 2025

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

Count 2: Failure to hire a licensed contractor.- **Irreparable**

Count 3: Failure to apply and obtain a certificate of appropriateness with the City of Key West HARC Department.

Count 4: Failure to apply and obtain a LUD with the City of Key West Planning Department.

Count 5: Failure to apply and obtain a Certificate of Occupancy 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 was previously granted a continuance to 31 July 2025.

7

Case # CCBLD25-50

Oscar Javier Alvarado

2927 Seidenberg Ave

Sec. 18-150 Certificate of competency required- **Repeat Irreparable**

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

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

Sec. 14-256 Required

Sec. 14-326 Plans and specifications

Officer Alma Montano

Certified Mail: **Amended Notice**

Initial Hearing: 5-22-2025

Settlement Agreement

Count 1: Failure to achieve Certificate of Competency.- **Repeat
Irreparable**

Count 2: Failure to apply and obtain a business tax receipt from the City of Key West Licensing Department.- **Repeat**

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

Count 4: Failure to apply and obtain electrical permits with the City of Key West Building Department.

Count 5: Failure to submit plans to the City of Key West Building Department.

This case had a settlement agreement between the City and Oscar Alvarado of an imposition of a \$5,750.00 and \$3,250.00 in suspended fines. The Respondent also stipulates to submit any required plans relating to the carport, obtain all necessary permits and approvals, and successfully pass final inspections conducted with the intention of achieving full compliance. The Respondent has 60 days to complete the permitting and inspection process. The total due to the City is \$2,500.00. The Settlement Agreement was executed by the Special Magistrate.

8

Case # CCBL25-52

Michael & Susan Glasser
1706 Patricia Street

Sec. 18-117 Acts declared unlawful- **Irreparable**

Officer Alma Montano

Certified Mail: 6-12-2025

Initial Hearing: 6-26-2025

New Case

Count 1: Failure to hire a licensed contractor.- **Irreparable**

The Code Officer was Alma Montano. The Respondent Susan Glasser was present. Assistant City Attorney Ryan Waterhouse was present on behalf of the City. Officer Montano read her timeline and evidence was shown. Officer Montano testified that during a routine inspection on April 22, 2025, she observed construction activity involving the installation of a fence at the property. Upon investigation, two individuals identified as Saul Moreno and Silvino Moreno were found actively performing the work without proper licensing. A stop work order was issued on site. Further investigation revealed that the permit for the fence (Permit No. BLD2025-0778) had been applied for

but remained in an "incomplete application" status. The workers initially claimed to be hired directly by the homeowners, but later admitted to being employed by Philip Pop, part owner of Fabi's Fabulous Garden. Mr. Pop claimed the workers were recommended but hired directly by the homeowners; however, the workers' affidavits and statements confirmed they were sent by Mr. Pop to perform the work. Officer Montano stated that the homeowners failed to provide any documentation verifying employment relationships, contractor licensing, or compliance with federal employment requirements under their homeowner's permit. Despite attempts by city staff to resolve the matter, communication with the respondents was limited. The same unlicensed workers reportedly completed the fence work after the homeowner permit was issued, without homeowner supervision on site as required. Assistant City Attorney Ryan Waterhouse conducted direct examination of both the code officer and Ms. Glasser. Ms. Glasser acknowledged receiving advice and workers from Mr. Pop and that she and her husband did not directly communicate with the workers or verify their qualifications. She stated that she was unaware of the requirements and had not paid the workers or Mr. Pop. The Special Magistrate thought that there was substantial evidence for a finding of the violation and imposed \$250.00 administrative cost and \$1,000.00 Irreparable fine as well as getting an inspection for the un-permitted work within 30 days.

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Case # CCBLD25-51

Fabiola Azuaje Sandoval
1706 Patricia Street

Sec. 18-150 Certificate of competency required- **Repeat Irreparable**

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

Officer Alma Montano

Hand Posted: **Amended Notice**

Initial Hearing: 5-22-2025

Continued from 22 May 2025

Count 1: Failure to achieve Certificate of Competency.- Repeat Irreparable

Count 2: Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.- Repeat

The Code Officer was Alma Montano. The Respondent Fabiola Asuaje was present. Assistant City Attorney Ryan Waterhouse was present on behalf of the City. This case was called as a companion matter to Case CCBLD 25-52 involving the homeowners at the same property. The Special Magistrate granted the City's request to adopt relevant testimony, affidavits, and photographic evidence from the previous case into the current record to expedite proceedings. Officer Montano read her timeline and evidence was shown. Officer Montano testified that on April 22, 2025, during inspection of 1706 Patricia Street, two individuals, Saul and Silvino Moreno, were found actively installing a fence. The men identified themselves as employees of Fabi's Fabulous Gardens, a landscaping business owned by Fabiola Asuaje

and operated by her husband, Philip Pop. Mr. Pop initially claimed the workers were on vacation and had been hired directly by the homeowners. However, both workers provided sworn affidavits stating they were sent by Mr. Pop, were paid in cash for their work, and were acting on behalf of the company. The City presented a history of previous violations settled by Mr. Pop in April 2025 under Cases CCBLD 24-16, 25-26, and 25-32 for similar offenses. This current case was therefore cited as an irreparable repeat violation. Despite being advised of the violations and offered opportunities to respond, Mr. Pop and Ms. Asuaje repeatedly offered conflicting statements. Mr. Pop denied hiring the workers, denied involvement in the work, and made unsubstantiated claims about alleged corruption in the City. Ms. Asuaje later admitted that she asked her husband to deliver materials and directed the workers to assist the homeowners, but claimed no money was exchanged and it was intended as a favor. The affidavits from both workers, body cam footage, and statements from the homeowners contradicted the respondents' claims. Ms. Asuaje confirmed in the hearing that Saul and Silvino were her employees and had performed work at the property. The Special Magistrate thought that the testimony from Ms. Asuaje was invasive and not creditable. The Special Magistrate thought that there was substantial evidence for a finding of the violation and imposed \$250.00 administrative cost and \$2,500.00 for the Irreparable count for a total of \$2,750.00.

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Case # CCBLD25-66

Moreno Medina, Saul
1706 Patricia Street

Sec. 18-150 Certificate of competency required- **Irreparable**

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

Officer Alma Montano

Hand Posted: 6-5-2025

Initial Hearing: 6-26-2025

New Case

Count 1: Failure to achieve Certificate of Competency.- Irreparable

Count 2: Failure to apply and obtain a business tax receipt from the City of Key West Licensing Department.

The Code Officer was Alma Montano. The Respondent did not attend. Officer Montano requested to dismiss this case. The Special Magistrate granted the dismissal.

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Case # CCBLD25-67

Moreno Medina, Silvino
1706 Patricia Street

Sec. 18-150 Certificate of competency required- **Irreparable**

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

Officer Alma Montano

Hand Posted: 6-5-2025
Initial Hearing: 6-26-2025

New Case

Count 1: Failure to achieve Certificate of Competency.- **Irreparable**
Count 2: Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.

The Code Officer was Alma Montano. The Respondent did not attend. Officer Montano requested to dismiss this case. The Special Magistrate granted the dismissal.

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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 Paul Navarro
Hand Served: 7-15-2024
Initial Hearing: 7-25-2024

Continued from 22 May 2025

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. Assistant City Attorney Ryan Waterhouse was present on behalf of the City. The Respondent or the Respondents Attorney did not attend. Assistant City Attorney Ryan Waterhouse gave an update about the case. The City requested a continuance for the case. The Special Magistrate granted a continuance to 31 July 2025.

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Case # 25-115
Peter Janker
1301 Whitehead St
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions- **Irreparable**
Sec. 14-40 Permits in historic districts- **Irreparable**

Sec. 18-150 Certificate of competency required - **Irreparable** -

Dismissed

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

Sec. 14-40 Permits in historic districts

Officer Leo Slection

Hand Served: 1-30-2025

Initial Hearing: 2-20-2025

Continued from 22 May 2025

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

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

~~Count 3: Failure to achieve Certificate of Competency. Irreparable - Dismissed~~

Count 4: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

Count 5: Failure to apply and obtain a certificate of appropriateness with the City of Key West HARC Department.

The Code Officer was Leo Slection. Attorney Van Fischer was present on behalf of the Respondent. The Respondent Peter Janker was also present. Officer Slection stated that this case has come into compliance and requested this case to be dismissed. Attorney Van Fischer did not object to the dismissal. The Special Magistrate granted the dismissal.

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Case # 25-717

415 Bahama Key Corp

Eddie Standifer- **Registered Agent**

2500 Patterson Ave

Sec. 58-61 Determination and levy of charge

Sec. 90-363 Certificate of occupancy required

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

Officer David Wilson

Hand Posted: 5-21-2025

Initial Hearing: 6-26-2025

New Case

Count 1: Failure to apply and obtain a LUD with the City of Key West Planning Department.

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

Count 3: Failure to apply and obtain a business tax receipt with the City

of Key West Licensing Department.

The Code Officer was David Wilson. The Respondent did not attend. Officer Wilson requested a continuance. The Special Magistrate granted the continuance to 31 July 2025.

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Case # 25-632

Rockhouse Live Key West LLC
Zach Bair- **Registered Agent**
501 Greene Street
Sec. 26-192 Unreasonably excessive noise prohibited
Officer Jim Young
Certified Mail: 3-7-2025
Initial Hearing: 3-20-2025

Continued from 17 April 2025

Count 1: Failure to keep music at a legal level.

Assistant City Attorney Ryan Waterhouse was present on behalf of the City. Attorney Van Fischer was present on behalf of the complainant. Assistant City Attorney Ryan Waterhouse requested to dismiss this case. The Special Magistrate granted the dismissal.

Adjournment