



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

NOTICE OF ADMINISTRATIVE HEARING

DATE: July 12, 2011
RE: CASE NUMBER 11-722

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5346 0513

To:
Keith Reilly
1628 Walthour Road, Apt A
Savannah GA 31410

Subject Address:
101 Petronia 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):

Violation Detail
00010 DELINQUENT BUSINESS TAX Sec. 66-102

For renting your property with a delinquent business tax receipt.

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:**

August 31, 2011

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.

If you are found to be in violation of City of Key West Ordinances, administrative costs in the amount of **\$250.00** may be levied for administrative recovery for prosecution and investigation in addition to levied fines associated with the violation(s). **Failure to pay these costs will result in a lien against the property in violation.**

PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MAGISTRATE. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.



Gary Addleman
Code Compliance Officer
City of Key West

Hand served this _____ *day of* _____, 2011 @ _____ *am/pm.*

Received by: _____ *Served By:* _____

VIOLATION DETAIL

CASE NUMBER 11-00000722
 PROPERTY ADDRESS 101 PETRONIA ST

 VIOLATION: DELINQUENT BUSINESS TAX QUANTITY: 1
 DESCRIPTION: Sec. 66-102 DATE: 6/06/11
 LOCATION:

NARRATIVE :

For renting your property with a delinquent business tax receipt.

ORDINANCE DESCRIPTION :

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.

(Code 1986, § 91.14; Res. No. 06-292, § 1, 9-6-2006)

State law references: Similar provisions, F.S. § 205.053.

CORRECTIVE ACTION REQUIRED :

Pay all penalties and obtain Business Tax Receipt.

IN THE CIRCUIT COURT OF THE 16TH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR MONROE COUNTY

Doc# 1840254
Bk# 2522 Pg# 719

THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK AS
TRUSTEE FOR THE CERTIFICATE-
HOLDERS OF CWBMS 2005- 11,
Plaintiff,

CASE NUMBER: 10-CA-725-K
CIVIL DIVISION

vs.

KEITH REILLY, et al.,
Defendant.

ORDER OF DISMISSAL AND RELEASE OF LIS PENDENS

This Cause, having come before the Court upon the Court's prior Notice of No Record Activity dated March 25, 2011. The Court, finding that good cause has not been shown why this action should remain pending, it is hereby,

ORDERED AND ADJUDGED

1. That pursuant to Rule 1.420(e), Fla.R.Civ.P., this case is dismissed for failure to prosecute and the Lis Pendens is hereby released.

DONE AND ORDERED at Key West, Monroe County, Florida, this 9th day of June, 2011.

for SANDRA TAYLOR
SENIOR JUDGE
DANNY L. KOLHAGE
CLERK, CIR. CT.
MONROE COUNTY, FLA.
2011 JUN 13 PM 1:14
FILED FOR RECORD

DM
6-13-11 Mailed to: Smith, Hiatt & Diaz, P.A., P.O. Box 11438, Ft Lauderdale, FL 33339-1438
Keith Reilly, 1628A Walthour Rd., Savannah, GA 31410
MERS, Inc., 1901 E. Voorhees St., Ste. C, Danville, IL61834