



**THE CITY OF KEY WEST**

**Code Compliance Division**

P.O. Box 1409, Key West, FL 33040

**(305) 809-3740 (305) 809-3739 FAX**

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE  
OF THE CITY OF KEY WEST, FLORIDA

CITY OF KEY WEST

FILE NO. 12-67

CERTIFIED MAIL # 7007 3020 0000 5345 6868

VS.

Jerry & Yuliya Andrews  
KWSC, Inc.  
c/o Albert L Kelley, R/A  
926 Truman Avenue  
Key West, FL 33040

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

This cause having come before the Special Magistrate on June 12, 2012, pursuant to the Florida Statutes Chapter 162 and Article VI et seq of the Key West Code, and the Special Magistrate having received a duly executed settlement agreement by the respondent(s), Jerry & Yuliya Andrews and Jim Young on behalf of the petitioner, having reviewed said settlement agreement and being otherwise advised of the premises; The Special Magistrate finds that Jerry & Yuliya Andrews/KWSC, Inc. are in violation of Key West Code of Ordinances, section(s) 18-415, 18-441 and 70-116. In that the following condition(s) exists at Fitzpatrick Street, Key West, FL: **Count 1:** On January 6, 2012, Keana Mariah Konard was off-premises canvassing, passing out cards soliciting pedestrians. **Count 2:** On January 6, 2012, Keana Mariah Konard was off-premises canvassing, passing out cards soliciting pedestrians. **Counts 3:** On January 6, 2012, a van parked on Fitzpatrick Street marked "Free Shuttle to Adult Entertainment, 1221 Duval Street. It had brochure boxes attached to both side with brochures in them.

Accordingly it is hereby  
ORDERED:

1. The respondents agree and stipulate to the imposition of Administrative Costs in the amount of Two Hundred and Fifty (\$250.00). An additional fine of Five Hundred Dollars (\$500.00) will be imposed and suspended if compliance is achieved within (30) days from the date of the Special Magistrate's signature below. Respondents shall achieve compliance by obtaining and maintaining a valid Employee Assistance Parking Program permit pursuant to Sec. 70-254. If the Respondents do not obtain said permit within 30 days of the Special Magistrate's signature below, the \$500.00 suspended fine shall be imposed. All fines and fees are payable within thirty (30) days from the date of this order to the City of Key West, Attn: Code Enforcement Division, P. O. Box 1409, Key West, FL 33040.
2. The Respondent is further ordered to contact the City of Key West Code Inspector to verify compliance, which may include an inspection. Any continuing fine imposed shall continue to accrue until such time as the Code Inspector inspects the property and verifies compliance with this Order. This Order may be recorded in the official records of Monroe County for lien and judgment purposes. This case may serve as a predicate for a repeat violation should similar violations occur in the future as applicable.
3. If you request that the fine be reduced or mitigated you must be in compliance and you must request in writing to appear before the Special Magistrate two weeks prior to a hearing to show cause why said fine should be mitigated.

Done and Ordered this 18 day of June 2012.

The Code Enforcement Special Magistrate of the City of Key West, Florida

J. Jefferson Overby

Certificate of Order and Service

I hereby certify that this is a true and correct copy of the above Order and that a true and correct copy has been furnished to the Respondent(s) and/or Authorized Representative via certified mail to address of record with the Monroe Property Appraiser's Office on this 21st day of June, 2012.

Deborah Millett-Fowley, Recording Secretary

**BEFORE THE CODE COMPLIANCE SPECIAL MASTER  
OF THE CITY OF KEY WEST, FLORIDA**

**CITY OF KEY WEST,  
PETITIONER,**

**CASE NUMBER: CES: 12-67**

**v.**

**JERRY & YULIYA ANDREWS  
KWSC, INC. D/B/A  
ADULT ENTERTAINMENT CLUB  
1221 DUVAL ST.  
KEY WEST, FL 33040,  
RESPONDENTS. /**

**SETTLEMENT AGREEMENT**

**COMES NOW**, the Respondents Jerry & Yuliya Andrews; owners of KWSC, Inc. d/b/a Adult Entertainment Club located at 1221 Duval St. in Key West, Florida (hereinafter referred to as "the Property") who acknowledges that they are the owners of the Property was charged in the above-styled cause with the following violation of the City of Key West Code of Ordinances described in detail in the Notice of Code Violation / Notice of Administrative Hearing summarized as follows:

**Count 1: Key West Code of Ordinances, Sec. 18-441** A regulation regarding the requirement of individuals and/or business to possess a valid off premises canvassing permit TO WIT: On January 6, 2012, representatives and a manager of the Adult Entertainment Club were handing out brochures advertising said business without the benefit of a valid off premises canvassing permit.

**Count 2: Key West Code of Ordinances, Sec. 70-116** A regulation regarding the prohibition of parking a vehicle on city streets for the purposes of advertising. TO WIT: On January 6, 2012, a vehicle advertising the Adult Entertainment Club was parked on Fitzpatrick St. in Key West, FL with brochure holders filled with brochures attached to the windows of said vehicle.

1. Respondents understand that the maximum penalties provided by law which may be imposed upon a finding of a violation which has not achieved compliance

within the time frame allowed by the Code Compliance Special Magistrate is \$250.00 per day, per charge, until the violation(s) are found to be in compliance.

2. Respondents understand Administrative Costs in the amount of \$250.00 incurred by the City of Key West for the investigation or prosecution of this violation will be assessed and that Fines and Costs, if imposed, could result in a lien and a judgment against us and any qualified real property in Monroe County, Florida.
3. Respondents do not contest the factual basis and agree to a finding of violation by the Special Magistrate of the Key West Code of Ordinances listed in paragraph 1.
4. The Respondents and the Petitioner, City of Key West, enter into the following Settlement Agreement, to be presented to the Code Compliance Special Magistrate for acceptance:

Respondents understand that an Order will be entered in this case finding a violation of the Code Sections listed in paragraph 1. Respondents agree and stipulate to the imposition of Administrative Costs in the amount of Two Hundred and Fifty Dollars (\$250.00). An additional fine of Five Hundred Dollars (\$500.00) will be imposed and suspended if compliance is achieved within thirty (30) days from the date of the Special Magistrate's signature below. Respondents shall achieve compliance by obtaining and maintaining a valid Employee Assistance Parking Program permit pursuant to Sec. 70-254. If the Respondents do not obtain said permit within 30 days of the Special Magistrate's signature below, the \$500.00 suspended fine shall be imposed.

If Respondents are found in violation of the code sections listed in paragraph 1 again in the future, they understand that the violation(s) will be considered a repeat.

Respondents agree to immediately cease and desist the unlawful activities indicated in paragraph 1 above.

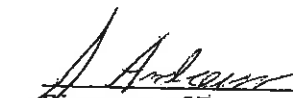
Respondents further agree to train their representatives and/or independent contractors regarding the off premises canvassing and parking for purposes of advertising ordinances for the City of Key West.

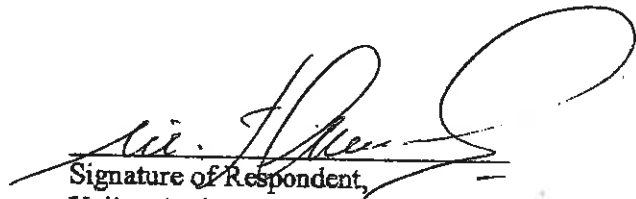
5. Other than the settlement agreement set out directly above in paragraph 4, no one has made any promises or guarantees to the Respondents in exchange for not contesting the Code Violations. No one has threatened the Respondents or in any way forced them to enter into this agreement. Respondents are doing this freely and voluntarily.
6. The Respondents understand that they can contest the violations charged against them. If they choose to contest the violations, Florida Statutes guarantees the Respondents: (a) the right to a hearing before the Code Compliance Special Magistrate, (b) the right to see, hear and face in open court all witnesses called to testify against them, (c) the right to use the power and process of the Code Compliance Special Magistrate to compel the production of any evidence including the attendance of any witnesses in their favor; and (e) also the right to testify on their own behalf and confront those witnesses against them. (f) Further, if found in violation, they would have the right to appeal the Finding and Order and fines imposed.
7. The Respondents understand that by accepting this Agreement, they give up these rights and admit the truth of the violation charged against them; the Respondents understand that the effect of accepting this Agreement is the same as a Finding of Code Violation after public hearing.
8. The Respondents acknowledge that this Agreement is being entered into freely, knowingly, voluntarily and free of any coercion; no promises were made to


induce this Agreement. Respondents acknowledge that they have had the right and opportunity to consult with an attorney and hereby enters into this Agreement.

9. The Respondents understand that the Code Compliance Special Magistrate may accept this Agreement in their absence and they waive the right to be present at a public hearing when this Agreement is accepted.

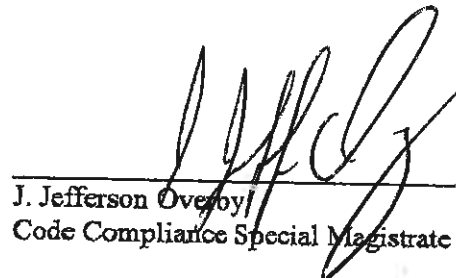
10. The City Attorney's Office will recommend dismissal of parking citation P010214447 issued to the Respondent's vehicle on April 29, 2012 for repeat violation of Count 2 herein.

  
Signature of Respondent,  
Jerry Andrews

  
Signature of Respondent,  
Yuliya Andrews

  
Albert Kelly, Esq.  
Attorney for Respondents

  
The City of Key West  
Jim Scholl or Designee

  
J. Jefferson Overby  
Code Compliance Special Magistrate

Submitted to and accepted by the Code Compliance Clerk this 14th day of June, 2012

  
Debbie Millett-Fowley