



THE CITY OF KEY WEST
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EXECUTIVE SUMMARY

Date: March 14, 2023
To: City Commission
CC: Patti McLauchlin, City Manager
Ronald J. Ramsingh, City Attorney
From: Jim Young, Director of Code Compliance
Re: 2505 Seidenberg Avenue Lien Mitigation

Background

The City of Key West received a mitigation request from Elisabeth Odou ("Former Owner"), the former owner of the property, for a lien recorded against 2505 Seidenberg Avenue. The total amount of the lien is forty-two thousand, seven hundred fifty dollars, (\$42,750.00). Mrs. Odou is offering twenty-one thousand, three hundred seventy-five dollars (\$21,375.00), for the release of the lien placed by the City of Key West pursuant to City of Key West Code of Ordinances Sec 2-635 and FL Statute 162.09 (to place the lien) and Sec. 2-646 (to remove lien).



The subject property is a single-family residential property purchased on May 17, 2019 by Joel and Elisabeth Odou (the “Former Owner(s)”).¹ Subsequently, the Former Owner(s) sold the property on December 13, 2022 to Jamal Malik Edwards (“Current Owner”). The histories of the ownership transfers, as available by public record, are shown below in **Table 1**.

During Mrs. Odou’s ownership, Code Compliance staff processed Code Case No. 2022-0661, as detailed in **Table 2**.

Table 1: Property Ownership and Sales

DATE	NARRATIVE
05/17/2019	Joel and Elisabeth Odou purchase 2505 Seidenberg Avenue.
12/13/2022	Joel and Elisabeth Odou sell 2505 Seidenberg Avenue to Jamal Malik Edwards.

Table 2: Case History, CC2022-0661²

DATE	NARRATIVE		
04/05/2022	Code Compliance received a complaint from DBPR, Department of Hotel and Restaurants, that Egg O’Clock restaurant is operating without the required State license and inspections. A review of the City records indicates the subject business does not hold the required City Business Tax Receipt.		
04/14/2022	The manager on duty of the subject business is personally served a Notice of Code Violation (“NOCV”) for not having a Business Tax Receipt.		
04/20/2022	Notice of Code Violation/Notice of Administrative Hearing (“NOCV/NOAH”) was personally served to the manager on duty. The business owner was charged with violating the following Section of the City’s Code of Ordinances: Sec. 66-87, Business Tax Receipt required for all holding themselves out to be engaged in business. The hearing date was scheduled for April 28, 2022.		
04/28/2022	The Special Magistrate found the subject business owner in violation of Sec. 66-87. The Special Magistrate assessed an Administrative Cost of two hundred fifty dollars, (\$250.00), and a fine of two hundred fifty dollars, (\$250.00), per day, per count if compliance was not achieved by May 2, 2022.		
10/19/2022	DBPR, Department of Hotels and Restaurants, along with KYPD, posted the subject business closed.		
11/01/2022	The following Lien was recorded with the Monroe County Clerk of Courts against the former business owner:		
	<table> <tr> <th>Book/Page No.</th><th>Amount</th></tr> </table>	Book/Page No.	Amount
Book/Page No.	Amount		

¹ Monroe County Property Appraiser’s Office

² All facts are taken from available public records. However, due to the passage of time, some information may not be available.

	3199/2139	\$42,750.00
	TOTAL	\$42,750.00

The applicant is requesting a reduction in the judgement to approximately 51% of the total balance of \$42,750.00.

Mitigation Factors

The following criteria was considered by Staff in evaluating the lien mitigation request:

A. The nature and gravity of the violation.

Failure to obtain Business Tax Receipt for a establishment providing prepared food to the public is typically considered to be a violation with a component of hazard, not only to the business owner, but to the general public, due to the fact there is no guarantee proper State, County and City food establishment codes and inspections were followed.

B. Any actions taken by the Respondent to correct the violation.

The former business owner refused to cooperate with State Inspectors as well as KWFD to allow the required safety inspections.

C. The length of time between the previously ordered compliance date and the date the violation was brought into compliance.

The code violation was brought into compliance on November 19, 2022, 171 days after the deadline imposed by the Special Magistrate, only after the State posted the business closed.

D. Any actual costs expended by the Respondent to cure the violation as provided by supporting documentation.

N/A.

E. Any other prior or current violations committed by the Respondent on the subject property or upon any other property owned by the Respondent within the City.

There are currently no code violations on the business property or any other properties owned by the Former Business Owner.

F. Owner's Justification for the requested lien mitigation.

None has been provided to staff at this time.

G. Any other factors.

None that staff is aware of or that Applicant has provided to staff.

Recommendation

Staff recommends the Commission hear from the applicant/representative, and determine the appropriate mitigation amount for the lien.

Should the Commission approve a mitigated amount, the Commission should require full payment of that mitigated amount within thirty days of the resolution being executed by the City Commission and direct Staff to provide the applicant/representative with a Release of Lien for recording with the Monroe County Clerk of the Courts but only upon receipt of payment the entire mitigated amount.