



EXECUTIVE SUMMARY

To: Jim Scholl, City Manager
Cc: Greg Veliz, Assistant City Manager
From: Jim Young Director of Code Compliance *JY*
Date: October 31, 2018
Subject: 1922 Patterson Avenue Mitigation of Lien

Action statement:

Property owner John MacLaughlin provided a request to mitigate a lien placed on the property located at 1922 Patterson Avenue, Key West, FL. The total amount of the lien is Two Hundred and Three Thousand and Fifty Dollars, (\$203,050.00). Mr. MacLaughlin is offering no additional cost other than what he has spent to achieve compliance, for the release of the lien placed by the City of Key West Code Compliance Department on the subject property 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).

Background:

On May 10, 2010 the City of Key West Code Compliance Department received a complaint that the sewer and utility account for the subject property was past due and there was an unlicensed business operating from the subject property. After further investigation it was determined that the property owner at the time, Norma Barton, was renting the subject property without the benefit of a non-transient business tax receipt.

On June 11, 2010 the property owner is issued via certified mail a Letter of Code Violation advising her of the two violations.

On August 26, 2010 a Notice of Hearing is issued to the listed property owner.

On August 29, 2010 the NOH is received by Mark MacLaughlin. The date of the Hearing is September 29, 2010.

On September 29, 2010 the Special Magistrate found the Respondent in violation of City of Key West Code of Ordinance Sections 58-63, 74-206 and 66-87. The Special Magistrate set a compliance date for October 19, 2010. The Special Magistrate ruled If the respondent had not achieved compliance by October 20, 2010 the Special Magistrate would assess an

Administrative Cost of Two Hundred and Fifty Dollars and a Fine of One Hundred Dollars per day.

October 20, 2010 the Special Magistrate ruled the Respondent had not achieved compliance, so the Administrative Cost and daily Fine was instituted.

On November 18, 2010 a collection letter is mailed to the Respondent advising the fine amount had accrued to Three Thousand Two Hundred and Fifty Dollars, (\$3,250.00) and the overdue sewer and utility account was Two Thousand Seven Hundred and Fifty-Six Dollars and Seventy Cents, (\$2,756.70). The letter advised if compliance was not achieved by December 17, 2010 a Hearing would be conducted to file a lien on the subject property.

On December 22, 2010 a collection letter is posted at the subject property advising the fine amount had accrued to Six Thousand Six Hundred and Fifty Dollars, (\$6,650.00). The letter advised if compliance was not achieved by January 21, 2011 a Hearing would be conducted to file a lien on the subject property.

On June 29, 2011 the Special Magistrate approves the filing of the lien on the subject property.

On September 19, 2011 a lien is filed with the Monroe County Clerk of Courts. The lien amount has now accrued to Thirty-One Thousand Eight Hundred and Fifty Dollars, (\$31,850.00).

On May 9, 2016 the subject property achieves compliance regarding the non-transient rental business tax receipt violation. The total amount of the lien is Two Hundred and Three Thousand and Fifty Dollars, (\$203,050.00).

RECOMMENDATION:

The City Manager is recommending accepting the Respondents offer due to the costs to achieve compliance be considered as a mitigating factor as well as the date of compliance, May 9, 2016 which reduces the lien amount to Two Hundred and Three Thousand and Fifty Dollars (\$203,050.00). The Respondents cost breakdown was; payment of the sewer/utility bill was Six Thousand Three Hundred and Eighty Dollars and Thirteen Cents. (\$6,380.13), paid in September of 2018.