



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Code Compliance Hearing

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Thursday, December 17, 2020

10:00 AM

City Hall

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**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 - Facial Coverings 10:00am**

**1**

**Case # 20-1458**

Fogarty's  
Joseph Walsh  
227 Duval Street  
Sec. 20-17 Requirement of wearing facial covering  
Officer Jorge Lopez  
Hand Served: 11-17-2020  
Initial Hearing: 12-17-2020

**New Case**

**Count 1:** Failure to wear a facial covering according to Ordinance 20-17.

The Police Officer is Jorge Lopez. The respondent is Joseph Walsh. Officer Lopez and the respondent Joseph Walsh gave testimonies. Special Magistrate Don Yates requested that both parties submit a written argument by December 31st 2020 at noon to him to review and make a ruling. Both parties agreed to this.

**2**

**Case # 20-1358**

Waterfront Brewery  
Joseph H. Walsh  
201 William Street  
Sec. 20-17 Requirement of wearing facial covering  
Officer Troy Montero

Hand Served: 11-16-2020  
Initial Hearing: 12-3-2020

**New Case**

**Count 1:** Failure to wear a facial covering according to Ordinance 20-17.

The Code officer is Troy Montero. The respondent is Joseph Walsh. Officer Montero and the respondent Joseph Walsh gave testimonies. Special Magistrate Don Yates requested that both parties submit a written argument by December 31st 2020 at noon to him to review and make a ruling. Both parties agreed to this.

3

**Case # 20-1385**

Jack Flats  
Ricardo Carlos Flores - Shift manager  
509 1/2 Duval Street  
Sec. 20-18 Requirement of wearing facial covering  
Officer Paul Navarro  
Hand Served: 11-21-2020  
Initial Hearing: 12-17-2020

**New Case**

**Count 1:** Failure to wear a facial covering according to Ordinance 20-18.

The Code officer is Paul Navarro. The respondent is Joseph Walsh. Officer Navarro and the respondent Joseph Walsh gave testimonies. Special Magistrate Don Yates requested that both parties submit a written argument by December 31st 2020 at noon to him to review and make a ruling. Both parties agreed to this.

4

**Case # 20-1368**

Jack Flats  
Melissa Gilbert - Manager  
509 Duval Street  
Sec. 20-17 Requirement of facial covering  
Officer Laurie Skinner  
Hand Served: 11-22-2020  
Initial Hearing: 12-17-2020

**New Case**

**Count 1:** Failure to wear a facial covering according to Ordinance 20-17.

The Code officer is Laurie Skinner. The respondent is Joseph Walsh. Officer Skinner and the respondent Joseph Walsh gave testimonies. Special Magistrate Don Yates requested that both parties submit a written argument by December 31st 2020 at noon to him to review and make a ruling. Both parties agreed to this.

5

**Case # 20-1374**

Fogarty's  
Michael Taylor - Manager  
227 Duval Street  
Sec. 20-17 Requirement of wearing facial covering  
Officer Laurie Skinner  
Hand Served: 11-22-2020  
Initial Hearing: 12-17-2020

**New Case**

**Count 1:** Failure to wear a facial covering according to Ordinance 20-17.

The Code officer is Laurie Skinner. The respondent is Joseph Walsh. Officer Skinner and the respondent Joseph Walsh gave testimonies. Special Magistrate Don Yates requested that both parties submit a written argument by December 31st 2020 at noon to him to review and make a ruling. Both parties agreed to this.

6

**Case # 20-1376**

Caroline Cafe  
Nesia Rose Pearson - Manager  
310 Duval Street  
Sec. 20-17 Requirement of wearing facial covering  
Officer Laurie Skinner  
Hand Served: 11-22-2020  
Initial Hearing: 12-17-2020

**New Case**

**Count 1:** Failure to wear a facial covering according to Ordinance 20-17.

The Code officer is Laurie Skinner. The respondent is Joseph Walsh. Officer Skinner and the respondent Joseph Walsh gave testimonies. Special Magistrate Don Yates requested that both parties submit a written argument by December 31st 2020 at noon to him to review and make a ruling. Both parties

agreed to this.

**Code Violations - 1:30am**

7

**Case # 20-506**

Mark A Hunt  
1020 Eaton Street  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations  
Officer Sophia Doctoche  
Certified Mail: 6-15-2020  
Initial Hearing: 7-30-2020

**Continuance previously granted to 17 December 2020**

**Counts 1-8:** Unlawful to lease a residential property for a period of less than 30 days or one calendar month without having obtained a business tax receipt. - **Repeat**

**Counts 9-11:** Failure to obtain the required city, county or state license for holding out/advertising a short-term rental at this property. - **Repeat**

**Counts 12-19:** Unlawfully holding out this short-term rental for eight nights. - **Repeat**

Mark Hunt was the respondent. Sophia Doctoche was the code officer. Sophia Doctoche stated that this case was a repeat offense and that he still has pending fines from his settlement agreement in a 2018 code case. Nathalia Mellies Assistant City Attorney asked Sophia Doctoche questions in regards to the case. Mark Hunt responded by stating that he never held out his property for short term rental. The city of key west requested the \$4,500 suspended fine from the 2018 code case and a \$250.00 administrative fee and \$500.00 fine per count totaling \$14,250. The Special Magistrate granted the finding. Mark Hunt stated he will file an appeal.

8

**Case # 20-1032**

Rakhmatov Timur  
3406 Flagler Avenue  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations  
Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations  
Officer Sophia Doctoche  
Posted: 11-3-2020  
Initial Hearing: 8-27-2020

**Settlement Agreement**

**Counts 1-7:** Failure to obtain a transient medallion and license to advertise and rent short-term.

**Counts 8-10:** Failure to obtain all required city, county and state licensing to advertise and rent short-term.

**Counts 11-17:** Property owner holding out for transient rental for 7 nights the dates of August 22nd - August 29th 2020 for a total of \$2,901.00 without obtaining the proper city, county and state licensing.

**Sophia Doctoche is the code officer. There was a Settlement Agreement totaling in the amount of 1,470.45.**

**9**

**Case # 20-1110**

Just Beds of Key West Inc  
Northwest Registered Agent LLC  
2726 N Roosevelt Blvd  
Sec. 30-1 Fees for false alarms and fire code inspections  
Officer Sophia Doctoche  
Certified Mail: 11-6-2020  
Initial Hearing: 12-17-2020

**In compliance as of 30 November 2020; request dismissal**

**Count 1:** Failure to pay the delinquent fire inspection fee.

**This case is in compliance as of 30 November 2020 and dismissed.**

**10**

**Case # 20-1384**

Mangoes Restaurant  
Daniel Todd Hamer  
700 Duval Street  
Sec. 20-18 Requirement of wearing facial covering  
Officer Sophia Doctoche  
Hand Served: 11-21-2020  
Initial Hearing: 12-17-2020

**New Case**

**Count 1:** Failure to wear facial covering according to City Ordinance 20-18.

**The code officer is Sophia Doctoche. The respondent did not appear. Sophia Doctoche read her timeline stating that this business had been previously warned. The city is requesting a finding and order with a \$250.00 administrative fee and a \$250.00 fine. The Special Magistrate granted the**

finding.

11

**Case # 20-1387**

Sunset Watersports  
George Williams - Operator  
431 Front Street  
Sec. 20-18 Requirement of Facial Coverings  
Officer Sophia Doctoche  
Hand Served: 11-22-2020  
Initial Hearing: 12-17-2020

**New Case**

**Count 1:** Failure to wear facial coverings according to City Ordinance 20-18.

Sophia Doctoche is the code officer. The respondent is George Williams. Sophia Doctoche read her timeline that stated she along with other code officers have previously warned George. The city is requesting a finding and order of \$250 administrative fee and a \$250.00 fine. The Special Magistrate granted the finding.

12

**Case # 19-1715**

Futerman Phenphak - Owner  
3011 Riviera Drive  
Sec.14-37 Building permits; professional plans; display of permits; address; exceptions  
~~Sec. 14-256 Permit required~~  
~~Sec. 14-359 Permit display~~  
~~Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business~~  
Officer Edward Keane  
Posted: 7-31-2020  
Initial Hearing: 3-26-2020

**Continued from 22 October 2020**

**Count 1:** Failure to obtain all proper building permits.  
~~Count 2: Failure to obtain all electrical permits and or convert the structure back to storage.~~  
~~Count 3: Failure to obtain all plumbing permits or convert the structure back to storage.~~  
~~Count 4: Failure to cease renting the storage enclosure and apply for a LUD from the City Planning Department.~~

The City is requesting a continuance. The Special Magistrate granted a continuance to 28 January 2021.

13

**Case # 20-622**

Jean Azard

1300 15th Ct lot 12

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

Officer Edward Keane

Posted: 11-24-2020

Initial Hearing: 12-17-2020

**New Case****Count 1:** Failure to apply for and obtain the appropriate building permits.

The code officer is Edward Keane. The Respondent did not appear. Edward Keane read his timeline. The City requested a \$250 administrative fee and a \$250 fine per day per count if not in compliance by 26 January 2021. The case will be continued to 28 January 2021 for compliance.

14

**Case # 20-790**

Lisa Rivard

727 Emma Street

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

Sec. 14-40 Permits in historic districts

Officer Edward Keane

Certified Mail: 11-6-2020

Initial Hearing: 11-19-2020

**New Case****Count 1:** Failure to apply and obtain the appropriate electrical permits.**Count 2:** Failure to apply and obtain the appropriate plumbing permits.**Count 3:** Failure to apply and obtain the appropriate building permits.**Count 4:** Failure to apply and obtain a HARC Certificate of  
Appropriateness.

The code officer is Edward Keane. The City is requesting a continuance to 28 January 2021. The Special Magistrate granted the continuance.

15

**Case # 20-1267**

Gary Stern - Registered Agent

820 White Street  
~~Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions~~  
 Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions  
 Sec. 14-262 Request for inspection  
 Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions  
 Sec. 14-327 Inspection  
 Officer Edward Keane  
 Certified Mail: 12-3-2020  
 Initial Hearing: 12-17-2020

### **New Case**

~~**Count 1:** Failure to apply and obtain the appropriate plumbing permits through a licensed contractor.~~

**Count 2:** Failure to apply and obtain the appropriate electrical permits through a licensed contractor.

**Count 3:** Failure to contact and schedule all required inspections with the city of key west building department.

**Count 4:** Failure to apply and obtain the appropriate mechanical HVAC permits through a licensed contractor.

**Count 5:** Failure to contact and schedule all required inspections with the city of key west building department.

The code officer is Edward Keane. The respondent did not appear. Edward Keane read his timeline. The City requested a finding and order with a \$250 administrative fee and a \$250 fine per day, per count if not in compliance by 26 January 2021 and this case will be continued to 28 January 2021. The Special magistrate granted the finding.

16

### **Case # 20-1276**

Robert Mathews  
 28141 Gato Rd  
 Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
 Officer Edward Keane  
 Certified Mail: 11-23-2020  
 Initial Hearing: 12-17-2020

### **In compliance as of 24 November 2020; request dismissal**

**Count 1:** Failure to pay fines and fees to the Licensing Department at the City of Key West.



This case came into compliance on 24 November 2020 and is dismissed.

17

**Case # 20-1121**

Genevieve Degroot - Registered Agent  
C/O DGK Key West LLC  
1420 Von Phister Street  
Sec. 66-102 Dates due and delinquents; penalties  
Officer Rachel Kobylas  
Certified Mail: 10-14-2020  
Initial Hearing: 11-19-2020

**In compliance as of 7 December 2020; request dismissal**

**Count 1:** Failure to pay all past due fines and fees to the Licensing Department.

This case came into compliance on 7 December 2020 and is dismissed.

18

**Case # 19-1568**

TU-TI-FRU-TI, Inc.  
Charles Mendola - Registered agent  
828 Duval Street  
Sec. 114-103 Prohibited signs  
Sec. 14-40 Permits in historic districts  
~~Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions~~  
~~Sec. 66-109 Schedule of taxes~~  
~~Sec. 2-939 Revocable Licenses~~  
Officer Troy Montero  
Certified Mail: 3-2-2020  
Initial Hearing: 3-26-2020

**Continued to 17 December 2020**

- Count 1:** Failure to obtain HARC approval for signage.
- Count 2:** Failure to obtain HARC certificate of appropriateness for-  
~~installation of cameras and outside bar.~~
- ~~Count 3: Failure to obtain building permits.~~
- ~~Count 4: Failure to obtain approval for additional seating.~~
- ~~Count 5: Failure to obtain revocable license for awning over city right of way.~~

Nathalia Mellies the Assistant City Attorney requested a continuance to 28 January 2021. The Special Magistrate granted the continuance.

19

**Case # 20-887**

Rooster Rental LLC  
Szentgyorgyi Istvan - registered agent  
5031 5th Ave  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Troy Montero  
Certified mail: 11-2-2020  
Initial Hearing: 11-19-2020

**Continued to 17 December 2020 for compliance**

**Count 1:** Failure to contact the Licensing Department to renew or close this license.

The code officer is Troy Montero. The respondent did not appear. Troy Montero stated that Rooster Rental is not in compliance and that they have a previous finding and order so the fines will start running. The Special Magistrate granted the running fines.

20

**Case # 19-1691**

Alena Lembach  
3226 Eagle Ave  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 122-63 Review; enforcement  
Officer Paul Navarro  
Certified Mail: 11-17-2020  
Initial Hearing: 12-17-2020

**New Case**

**Count 1:** Failure to apply and obtain a demolition permit or reapply for a new building permit.

**Count 2:** Failure to apply and obtain a demolition permit or reapply for a new variance.

The code officer is Paul Navarro. The respondent, Alena Lembach who appeared via zoom, requested a continuance. The Special Magistrate granted the continuance to 28 January 2021.

21

**Case # 20-241**

Saintelien Louis  
1300 15th Ct Lot 31  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions

Sec. 14-262 Request for inspection  
Sec. FBC P2503.1 Inspections  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Officer Paul Navarro  
Certified Mail: 11-24-2020  
Initial Hearing: 12-17-2020

**Continuance previously granted to 28 January 2021**

**Count 1:** Failure to apply and obtain all permits for the un permitted work or apply and obtain for a demolition permit.

**Count 2:** Failure to schedule all required inspections.

**Count 3:** Failure to schedule all required inspections.

**Count 4:** Failure to apply and obtain all permits for un permitted work.

**The Special Magistrate previously granted a continuance to 28 January 2021.**

22

**Case # 20-1386**

Hanks Saloon  
Paul Fernando C Lopez - General Manager  
409 Caroline Street  
Sec. 20-18 Requirement of wearing facial covering  
Officer Paul Navarro  
Hand Served: 11-21-2020  
Initial Hearing: 12-17-2020

**New Case**

**Count 1:** Failure to wear a facial covering according to Ordinance 20-18.

**The Special Magistrate continued this case to 7 January 2021 due to Richard McChesney representing this business for another case on that date.**

23

**Case # 20-1388**

Schooner Wharf Bar  
Eric Maurice Smith  
202 William Street  
Sec. 20-18 Requirement of wearing facial covering  
Officer Paul Navarro  
Hand Served: 11-22-2020  
Initial Hearing: 12-17-2020

**Continuance previously granted to 28 January 2021**

**Count 1:** Failure to wear facial covering according to Ordinance 20-18.

The Special Magistrate previously granted a continuance to 28 January 2020.

24

**Case # 20-1389**

Key West Fish and Chips  
Juarez Mendez Keila Jasibe - Manager  
633 Duval Street  
Sec. 20-18 Requirement of wearing facial covering  
Officer Paul Navarro  
Hand Served: 11-22-2020  
Initial Hearing: 12-17-2020

**New Case**

**Count 1:** Failure to wear a facial covering according to Ordinance 20-18.

The code officer is Paul Navarro. The Respondent is Robert Patterson the owner of Fish and Chips. Paul Navarro read his timeline. The Special Magistrate granted a finding and order with no fees or fines.

25

**Case # 20-1390**

Sebago Watersports Booth  
Rachel Diane Haas - Operator of business  
629 Duval Street #2  
Sec. 20-18 Requirement of wearing facial covering  
Officer Paul Navarro  
Hand Served: 11-22-2020  
Initial Hearing: 12-17-2020

**New Case**

**Count 1:** Failure to wear a facial covering according to Ordinance 20-18.

The code officer was Paul Navarro. The respondent did not appear. Paul Navarro read his timeline and requested a finding and order with a \$250 administrative fee and a \$250 fine. The Special Magistrate granted the finding and order

26

**Case # 20-1401**

Island Mystique LLC  
Kasey Austin Nunn - employee

608 Duval 1/2  
Sec. 20-18 Requirement of wearing facial covering  
Officer Paul Navarro  
Hand Served: 11-29-2020  
Initial Hearing: 12-17-2020

**New Case**

**Count 1:** Failure to wear a facial covering according to Ordinance 20-18.

The code officer was Paul Navarro. The owner did appear on behalf of the employee that was cited. Paul Navarro read his timeline and requested a finding and order with a \$250 administrative fee and a \$250 fine. The Special Magistrate granted a finding and order with no fees or fines.

27

**Case # 20-1408**  
Conch Jewelers  
Kathryn Engle Knecht - employee  
120 Duval Street  
Sec. 20-18 Requirement of wearing a facial covering  
Officer Paul Navarro  
Hand Served: 12-1-2020  
Initial Hearing: 12-17-2020

**New Case**

**Count 1:** Failure to wear a facial covering according to Ordinance 20-18.

The code officer was Paul Navarro. The respondent did appear. Paul Navarro read his timeline and requested a finding and order with a \$250 administrative fee and a \$250 fine. The Special Magistrate granted a finding and order with a \$250 administrative fee but no fine.

**Adjournment**