

**CODE ENFORCEMENT SPECIAL  
MAGISTRATE IN AND FOR  
THE CITY OF KEY WEST,  
MONROE COUNTY, FLORIDA**

**CASE NO.: 09-1076**

**CITY OF KEY WEST, a  
Florida Municipal Corporation  
Key West, Florida 33040  
Petitioner**

**Doc# 1765823 11/06/2009 9.04AM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE**

vs.

**Justin & Jamille Cucci T/C  
2507 Linda Avenue  
Key West, FL 33040  
Respondent(s)**

**Doc# 1765823  
Bk# 2439 Pg# 412**

Subject Property Legal Description: 2507 Linda Avenue, KW CORAL ESTATES PB3-97 LOT 6  
OR117-399/400 854-965/966 PROB #82-144 OR858-62/67WILL OR1267-1363/72EST-PROBATE #93-148-CP-10  
OR1283-356/357 OR1708-2110/12 OR2150-2165Q/CT/C OR2297-2250(PROB4407CP055K) OR2350-1958/59(ORDER)

**ORDER IMPOSING PENALTY/LIEN**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate (herein referred to as "Special Magistrate") on Jun3 24, 2009, after due notice to Respondent(s), at which time the Special Magistrate heard testimony under oath, received evidence, and issued its Findings of Fact and Conclusions of Law and thereupon issued its oral Order which was reduced to writing and furnished to Respondent(s). This Finding and Order was mailed on August 31, 2009.

Said Order imposed costs of \$250.00. The suspended fine of \$20,000.00 in case # 07-2324 is imposed. Also imposed is an irreparable fine of \$5,000.00 per count (total of three counts). The total due the City is \$35,250.00. If this activity continues, there will be a daily fine of no less than \$500.00 plus any additional irreparable violation that should occur.

**ORDERED** that Respondent(s) pay to the City of Key West an amount of \$32,250.00 and this amount shall be subject to the maximum statutory interest charges provided by law.

This Order can be recorded and shall then constitute a lien for all the accrued fines against the above described property, and any other real or personal property that the violator owns in Key West, Monroe County where recorded pursuant to Section 162.09 of the Florida Statutes.

DONE AND ORDERED this 16th day of October, 2009.

CODE ENFORCEMENT  
SPECIAL MAGISTRATE

By: [Signature]  
J. Jefferson Overby  
Special Magistrate

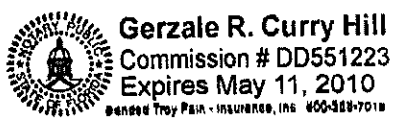
ATTEST:  
DATED: 10-16-09

Doc# 1765823  
Bk# 2439 Pg# 413

[Signature]  
Deborah Millett-Fowley  
Clerk and Recording Secretary

PERSONALLY appeared before me, the undersigned authority, Deborah Millett-Fowley, well known to me and known by me to be the Clerk and Recording Secretary, respectively of the CODE ENFORCEMENT SPECIAL MAGISTRATE, and acknowledged before me that they executed the foregoing instrument on behalf of the CODE ENFORCEMENT SPECIAL MAGISTRATE, as its true act and deed, and that they were duly authorized to do so. They are personally known.

WITNESS my hand and official seal this 16 day of Oct, 2009.



[Signature]  
NOTARY PUBLIC  
My Commission Expires:

I HEREBY CERTIFY that a true and correct copy of the above and foregoing ORDER IMPOSING PENALTY/LIEN has been furnished by certified mail (7008 1140 0002 4725 4339) and regular mail to Justin & Jamille Cucci, 3259 West Hayward Place, Denver CO 80211, and regular mail to 2507 Linda Avenue, Key West, FL 33040, this 16th day of October, 2009.

[Signature]  
Deborah Millett-Fowley  
Recording Secretary



**THE CITY OF KEY WEST**

**Code Compliance Division**

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

**(305) 809-3740 (305) 809-3978 FAX**

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

CITY OF KEY WEST

FILE NO. CES 09-1076

CERTIFIED MAIL # 7008 1140 0002 4725 1765

7008 1140 0002 4725 1772

VS.

Justin & Jamille Cucci T/C  
Joseph Cucci Rental Agent  
2507 Linda Avenue  
Key West, FL 33040

Justin & Jamille Cucci T/C  
3259 West Hayward Place  
Denver, CO 80211

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

This cause having come before the Special Magistrate on June 24, 2009, pursuant to the Florida Statutes Chapter 162 and Article VI et seq of the Key West Code, and the Special Magistrate having heard sworn testimony, having reviewed the evidence submitted, and being otherwise advised of the premise, the Special Magistrate finds as follows: After the announcement of the rulings on this matter at hearing, the City voluntarily dismissed its claim of a violation of Ordinance section 18-602. Based upon the admission of Joseph Cucci, he is found to be the authorized agent for the property owners and was acting within the scope of that agency in conducting the activities that gave rise to the notice of violations in this matter. That Justin & Jamille Cucci and Joseph Cucci as Rental Agent are in violation of Key West Code of Ordinances, sections 18-601, 122-1371, and 122-1341. In that the following condition exists at 2507 Linda Avenue, Key West, FL: That on July 25, 26, 27 and 28, 2009, the property was rented transiently in violation Key West City code of Ordinances sections 18-601, 122-1371; 122-1341; It is also determined the violations are irreparable and repeat.

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Bk# 2439 Pg# 414**

Accordingly it is hereby ORDERED AND ADJUDGED:

1. That you pay a \$250.00 Administrative Fee. The suspended fine of \$20,000.00 in case # 07-2324 is imposed. Also imposed is an irreparable fine of \$5,000.00 per count (total three (3) counts). The total due the City is \$35,250.00. If this activity continues, there will be a daily fine of no less than \$500.00 plus any additional irreparable violation that should occur. All fines and fees are payable within thirty (30) days from the date of this order to the City of Key West, Attn: Code Compliance 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.
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 31st day of Aug 2009.

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

J. Jefferson Overby

**MONROE COUNTY  
OFFICIAL RECORDS**