

# EXECUTIVE SUMMARY



**TO:** Key West Bight Management District Board  
**CC:** David Fernandez  
**FROM:** Marilyn Wilbarger, RPA, CCIM  
**DATE:** December 28, 2011  
**RE:** Non-renewal of Lease for Jay Weisinger DBA Nature's Treasures

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## **ACTION:**

This is a request to deny a lease renewal for 201 William Street, Suite 110 expiring December 31, 2011 between the CRA and Jay Weisinger B/B/A Nature's Treasures.

## **BACKGROUND:**

The CRA entered into a lease agreement in January of 2007 for the space located at 201 William, Suite 110 for the purposes of retail sales of a nautical line of merchandise including jewelry, pirate treasure coins plus other pirate related merchandise, sunglasses, other nautical items.

On November 3<sup>rd</sup>, 2011 staff received written notice from Mr. Weisinger indicating that he intended to exercise his option to renew the lease. This Tenant does not have a unilateral option to renew the lease but can enter into negotiations to renew their lease per Section 3, however this was not requested nor were negotiations entered into within the stated time frame, excerpted here as follows:

*Right to Renew – This Lease may be renewed for an additional term of five (5) years upon rent and terms to be negotiated by the parties in accordance with the City of Key West Code of Ordinances. The rent and terms of the renewal term must be acceptable to both the LANDLORD and the TENANT in their absolute discretion and must be set forth in written addendum to this Lease. If the parties fail for any reason whatsoever to agree upon and enter into such addendum at least 120 days prior to the end of the initial term of this Lease, then any obligations that the parties may have pursuant to this section to negotiate renewal terms shall cease and LANDLORD shall be free to lease the Demised Premises to the general public upon such rent and terms as it deems appropriate.*

Additionally, whenever the City or CRA considers a lease renewal, City Ordinance 2-941 (d) also states the following:

*“Whenever the city commission is to consider a lease renewal, the city manager shall submit to the city commission a report on total lease payments over the term of the lease and a history of the city's or CRA's leasing experience with the tenant, including a chronicle of lease violations and payment delinquencies, if any.*

Mr. Weisinger is not in default of any lease payments but there are multiple lease violations that contribute to the request to deny a lease renewal at this time. These are evidenced by a

chronicle of the recorded events as well as a copy of an injunction for protection against repeated violence that are attached here for your reference.

The first material event was the injunction against repeated violence which was issued in December of 2007, the first year of the lease. Most recently police were called on two occasions in July and again in October for similar complaints that took place at the property while on November 26, 2011 he was also arrested for a misdemeanor count of touch or strike. Staff has experienced this aggressive behavior on numerous occasions and has also witnessed this same behavior towards other tenants and patrons alike.

Mr. Weisinger also received a default notice in August of 2010 citing three lease violations which relate to the display of merchandise outside of this premises, use of banners, and t-shirt sales as noted in the attached correspondence.

These occurrences also constitute default of Section 6 ((b) and (e) of the lease which state:

*(b) With respect to the Property, not to display any merchandise, solicit business or distribute advertising material beyond the Demised Premises, nor in any manner use any part of the Common Areas for purposes other than for their intended common use and not to obstruct any part thereof.*

*(e) Not to use the Demised Premises or permit the same to be used in any manner which violates any law, ordinance or constitutes a nuisance; for lodging purposes; that may injure the reputation of the Property or annoy, inconvenience or damage its patrons or other TENANT'S; or that would constitute an extra-hazardous use or violate any insurance policy of TENANT, LANDLORD or any other TENANT in the Property or increase the cost thereof.*

**OPTIONS:**

1. The Board can approve a lease renewal and staff will prepare a lease
2. The Board can elect to deny a lease renewal and advertise for letters of interest to obtain a new tenant for this location pursuant to the FL statute.

**FINANCIAL:** In the event that the Bight Board elects to solicit letters of interest there will be a deficiency in the budgeted annual rent depending on how long it takes to re-lease the space. The annual base rent is currently \$12,398.11

**RECOMMENDATION:**

Staff strongly urges support for the denial of a lease renewal wherein the tenant has on multiple occasions has been in default of the terms of the lease. Mr. Weisinger has shown that he is a catalyst for discontent and exhibits repeated aggressive behavior towards tenants, patrons and staff. It is the totality of his actions and pattern of behavior that result in staff's request to deny a lease renewal.

**ATTACHMENTS:**

Tenant request for renewal

December 6, 2007 Injunction for Protection Against Repeated Violence

Lease default notice August 16, 2010

Police and Incident reports dated July 7, 2011; July 29, 2011; October 19, 2011

MCSO Arrest Search

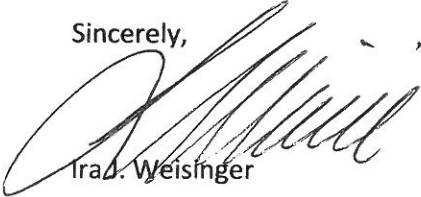
Nature's Treasures  
201 William Street, Suite 110  
Key West, FL 33040

November 3, 2011

Dear Key West Bight Board,

This letter is to inform you of my intention to exercise my option to renew my lease for an additional five years as stated in the original agreement dated 12/20/06 with regard to Suite 110 at 201 William Street, Key West.

Sincerely,

A handwritten signature in black ink, appearing to read "Ira J. Weisinger". The signature is fluid and cursive, with a large initial "I" and "W".

Ira J. Weisinger

Db a Nature's Treasures

IN THE CIRCUIT COURT OF THE Sixteenth JUDICIAL CIRCUIT,  
IN AND FOR MONROE COUNTY, FLORIDA

Sharon K. Deja  
Petitioner,

Case No.: 2007-DR-1406-K  
Division: \_\_\_\_\_

and  
IRA JAY WEISINGER  
Respondent.

FILED FOR RECORD  
2007 DEC -3 AM 10:34  
DANNY L. KOLHAGE  
CLK. CIR. CLERK  
MONROE COUNTY, FLA.

**PETITION FOR INJUNCTION FOR PROTECTION AGAINST REPEAT VIOLENCE**

I, {full legal name} Sharon K. Deja, being sworn, certify that  
the following statements are true:

**SECTION I. PETITIONER** (This section is about you. It must be completed.)

1. Petitioner currently lives at: {address, city, state, zip code} Confidential

[ if applies]

Petitioner seeks an injunction for protection on behalf of a minor child.  
Petitioner is the parent or legal guardian of {full legal name} \_\_\_\_\_,  
a minor child who is living at home.

2. Petitioner's attorney's name, address, and telephone number is: \_\_\_\_\_

(If you do not have an attorney, write "none.")

**SECTION II. RESPONDENT** (This section is about the person you want to be protected from. It must be completed.)

1. Respondent currently lives at: {address, city, state, and zip code} Big Pine Key  
FLORIDA  
Respondent's Driver's License number is: {if known} \_\_\_\_\_

2. Petitioner has known Respondent since: {date} 2001

3. Respondent's last known place of employment: Nature's Treasures  
Employment address: 211 William Street, Key West, FL  
Working hours: 10 am to 6 pm

4. Physical description of Respondent:

Race: W Sex: Male  Female  Date of Birth: Born approximately 1955

Height: 6 Weight: 170 Eye Color: \_\_\_\_\_ Hair Color: Light Brown

Distinguishing marks and/or scars: \_\_\_\_\_

Vehicle: (make/model) VAN Color: Silver Tag Number: \_\_\_\_\_

Ohio State  
plate in  
front

5. Other names Respondent goes by (aliases or nicknames): JAY

6. Respondent's attorney's name, address, and telephone number is: \_\_\_\_\_

(If you do not know whether Respondent has an attorney, write "unknown." If Respondent does not have an attorney, write "none.")

**SECTION III. CASE HISTORY AND REASON FOR SEEKING PETITION** (This section must be completed.)

1. Has Petitioner ever received or tried to get an injunction for protection against domestic violence, repeat violence, dating violence, or sexual violence against Respondent in this or any other court?  
\_\_\_ Yes  No If yes, what happened in that case? {include case number, if known}

2. Has Respondent ever received or tried to get an injunction for protection against domestic violence, repeat violence, dating violence, or sexual violence against Petitioner in this or any other court?  
\_\_\_ Yes  No If yes, what happened in that case? {include case number, if known}

3. Describe any other court case that is either going on now or that happened in the past between Petitioner and Respondent {include case number, if known}: NONE

4. Respondent has directed at least two incidents of "violence," meaning assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnaping, or false imprisonment, or any criminal offense resulting in physical injury or death against Petitioner or a member of Petitioner's immediate family. One of these two incidents of "violence" has occurred within 6 months of the date of filing of this petition. The most recent incident (including date and location) is described below.

On {date} 12/1/07, at {location} 203 Elizabeth Street

Respondent slowed his vehicle, & stopped in front of my shop and screamed "BITCH" "CUNT" then (seeing I had customers, he told "DON'T BUY FROM HER. I

Florida Supreme Court Approved Family Law Form 12.980(f), Petition for Injunction for Protection Against Repeat Violence (03/04)

THOUGHT THAT IF I SAID HIS FULL NAME HE WOULD STOP THE INTIMIDATIONS. I CALLED OUT HIS FULL NAME. HE MADE TO GET OUT OF HIS VEHICLE, INSTEAD HE YELLED I WAS CRAZY, SAYING "MISHUGANA".

I CALLED THE POLICE SINCE THIS WAS THE 4th INCIDENT AND HE PREVIOUSLY HARASSED ANOTHER female vendor for several months I WANTED TO CUT THIS OFF RIGHT AWAY. THIS WAS WITNESSED BY SEVERAL VENDORS. AS THEY CAME TOWARDS ME JAY DROVE US USING A HAND GESTURE MEANING I HAVE MY EYE ON YOU.

Check here if you are attaching additional pages to continue these facts.

5. Other prior incidents (including dates and location) are described below:

On {date} 11/30/2007, at {location} OUTSIDE BIGT of on  
Respondent called from his store - BITCH. Two  
hours later when I was speaking with  
Jen Berry, employee of SUNSET SPORTS located  
next to Respondent's shop. He came up  
and started speaking loudly -> she is a BITCH  
DON'T TALK TO HER she is a liar and a back  
stabber. He continued his tirade but  
we moved up the ramp towards waterfront market  
In July of 2007 Respondent was verbally  
abusive AND on one occasion he stopped his car  
over

Check here if you are attaching additional pages to continue these facts.

6. Petitioner genuinely fears repeat violence by Respondent. Explain: IT APPEARS THAT HIS INTIMIDATION TACTICS ARE INCREASING AND BECOMING MORE THAN VERBAL. HE HAS ATTEMPTED TO PHYSICALLY INTIMIDATE WITH HIS CAR AND BY CONFRONTING ME AND HE HAS NO FEAR TO DO THIS IN THE PRESENCE OF OTHERS.

7. Additional Information

[√ all that apply]

a. Respondent owns, has, and/or is known to have guns or other weapons.  
Describe weapon(s):

b. This or prior acts of repeat violence have been previously reported to: {person or agency}  
Key West Police Dept. 12/1/07 Officer Louette  
BY Orestina -> Officer DeFillippo

SECTION IV. INJUNCTION (This section must be completed.)

Vehicle on LAZ WAY LANE AND GOT OUT AND  
CAME TOWARDS ME. I WENT INTO THE CHAPEL  
BY THE SEA OFFICE. HE FOLLOWED AND STARTED TO  
SPEAK, WHEN THE RECEPTIONIST TOLD HIM TO  
GET OUT AND PICKED UP THE PHONE TELLING HIM  
SHE WAS CALLING THE POLICE. I THOUGHT THAT  
HE WOULD LEAVE ME ALONE, HE HARASSED  
ANOTHER VENDOR FOR MONTHS, CALLING HER HOME  
DOING THE SLOW DRIVE BY AND VERBALLY ASSAULTING  
HER. WHEN SHE CALLED THE POLICE THEY WARNED  
HIM AWAY. HE HAS APPARENTLY TRANSFERRED  
HIS ANIMOSITY TO ME.

1. Petitioner asks the Court to enter an injunction prohibiting Respondent from committing any acts of violence against Petitioner and:  
a. prohibiting Respondent from going to or within 500 feet of any place Petitioner lives;  
b. prohibiting Respondent from going to or within 500 feet of Petitioner's place(s) of employment or the school that Petitioner attends; the address of Petitioner's place(s) of employment and/or school is: \_\_\_\_\_

c. prohibiting Respondent from contacting Petitioner by telephone, mail, by e-mail, in writing, through another person, or in any other manner;

d. ordering Respondent not to use or possess any guns or firearms;  
[ all that apply]

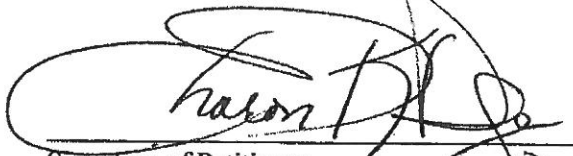
e. prohibiting Respondent from going to or within 500 feet of the following place(s) Petitioner or Petitioner's immediate family must go to often: 205 ELIZABETH ST  
LAZY WAY LANE SWOPS

f. prohibiting Respondent from knowingly and intentionally going to or within 100 feet of Petitioner's motor vehicle; and any other terms the Court deems necessary for the safety of Petitioner and Petitioner's immediate family.

**I UNDERSTAND THAT BY FILING THIS PETITION, I AM ASKING THE COURT TO HOLD A HEARING ON THIS PETITION, THAT BOTH THE RESPONDENT AND I WILL BE NOTIFIED OF THE HEARING, AND THAT I MUST APPEAR AT THE HEARING.**

**I UNDERSTAND THAT I AM SWEARING OR AFFIRMING UNDER OATH TO THE TRUTHFULNESS OF THE CLAIMS MADE IN THIS PETITION AND THAT THE PUNISHMENT FOR KNOWINGLY MAKING A FALSE STATEMENT INCLUDES FINES AND/OR IMPRISONMENT.**


Dated: 12/3/2007

  
Signature of Petitioner  
Printed Name: Sharon K. Deje  
Address: Confidential  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on 12/3/07 by \_\_\_\_\_



  
\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK  
\_\_\_\_\_  
[Print, type, or stamp commissioned name of notary  
or clerk.]

\_\_\_\_ Personally known  
 Produced identification  
Type of identification produced FDL

SERVICE

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT,  
IN AND FOR MONROE COUNTY, FLORIDA

Case No.: 2007-DR-1606-K  
Division: Key West Family Court

SHARON K. DEJA,  
Petitioner,

and

IRA JAY WEISINGER,  
Respondent.

Served on:	IRA JAY WEISINGER	
Date:	1/9/08	Time: 4:30
Deputy:	T. Wirth	ID#: 11257906

2008 JAN 10 PM 1:13  
FILED FOR RECORD  
CLERK OF CIR. CT. FLA.  
MONROE COUNTY, FLA.  
KOLHAGE

**FINAL JUDGMENT OF INJUNCTION  
FOR PROTECTION AGAINST REPEAT VIOLENCE (AFTER NOTICE)**

The Petition for Injunction for Protection Against Repeat Violence under section 784.046, Florida Statutes, and other papers filed in this Court have been reviewed. The Court has jurisdiction of the parties and the subject matter. The term "Petitioner" as used in this injunction includes the person on whose behalf this injunction is entered.

It is intended that this protection order meet the requirements of 18 U.S.C. § 2265 and therefore intended that it be accorded full faith and credit by the court of another state or Indian tribe and enforced as if it were the order of the enforcing state or of the Indian tribe.

**SECTION I. HEARING**

This cause came before the Court for a hearing to determine whether an Injunction for Protection Against Repeat Violence in this case should be (  ) issued (  ) modified (  ) extended.

The hearing was attended by (  ) Petitioner (  ) Respondent  
(  ) Petitioner's Counsel. (  ) Respondent's Counsel

**SECTION II. FINDINGS**

On December 6, 2007, a notice of this hearing was served on Respondent together with a copy of Petitioner's petition to this Court and the temporary injunction, if issued. Service was within the time required by Florida law, and Respondent was afforded an opportunity to be heard.

After hearing the testimony of each party present and of any witnesses, or upon consent of Respondent, the Court finds, based on the specific facts of this case, that Petitioner is a victim of repeat violence.

**SECTION III. INJUNCTION AND TERMS**

This injunction shall be in full force and effect until (  ) further order of the Court or (  ) \_\_\_\_\_ . This injunction is valid and enforceable throughout all counties in the State of Florida. The terms of this injunction may not be changed by either party alone or by both parties together. Only the Court may modify the terms of this injunction. Either party may ask the Court to change or end this injunction.

✓

Willful violation of the terms of this injunction, such as refusing to vacate the dwelling which the parties share, going to Petitioner's residence, place of employment, school, or other place prohibited in this injunction, telephoning, contacting or communicating with Petitioner, if prohibited by this injunction, or committing an act of repeat violence against Petitioner constitutes a misdemeanor of the first degree punishable by up to one year in jail, as provided by sections 775.082 and 775.083, Florida Statutes.

Any party violating this injunction shall be subject to civil or indirect criminal contempt proceedings, including the imposition of a fine or imprisonment, and also may be charged with a crime punishable by a fine, jail, or both, as provided by Florida Statutes.

**ORDERED and ADJUDGED:**

1. **Violence Prohibited.** Respondent shall not commit, or cause any other person to commit, any acts of violence against Petitioner, including assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death. Respondent shall not commit any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the Petitioner.
2. **No Contact.** Respondent shall have no contact with Petitioner unless otherwise provided in this section.

a. Unless otherwise provided herein, Respondent shall have no contact with Petitioner. Respondent shall not directly or indirectly contact Petitioner in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. Further, Respondent shall not contact or have any third party contact with anyone connected with Petitioner's employment or school to inquire about Petitioner or to send any messages to Petitioner. Unless otherwise provided herein, Confidential

\_\_\_\_\_ or any residence to which Petitioner may move; Petitioner's current or any subsequent place of employment: 205 Elizabeth Street, Key West, FL 33040

\_\_\_\_\_ or place where Petitioner attends school: \_\_\_\_\_

\_\_\_\_\_ or the following other places (if requested by Petitioner) where Petitioner or Petitioner's minor child(ren) go often: \_\_\_\_\_

[Initial if applies; Write N/A if not applicable]

ST b. Respondent may not knowingly come within 100 feet of Petitioner's automobile at any time.

N/A c. Other provisions regarding contact: \_\_\_\_\_

**3. Firearms.**

[Initial all that apply; write N/A if does not apply]

ST a. Respondent shall not use or possess a firearm or ammunition.

ST b. Respondent shall surrender any firearms and ammunition in the Respondent's possession to the Monroe County Sheriff's Department.

N/A c. Other directives relating to firearms and ammunition: \_\_\_\_\_  
\_\_\_\_\_

4. **Mailing Address.** Respondent shall notify the Clerk of the Court of any change in his or her mailing address within ten (10) days of the change. All further papers (excluding pleadings requiring personal service) shall be served by mail to Respondent's last known address. Such service by mail shall be complete upon mailing. Rule 12.080, Fla.Fam.L.R.P., section 784.046, Florida Statutes.

5. **Additional order(s) necessary to protect Petitioner from repeat violence:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION IV. OTHER SPECIAL PROVISIONS**

*(This section to be used for inclusion of local provisions approved by the chief judge as provided in Florida Family Law Rule 12.610.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

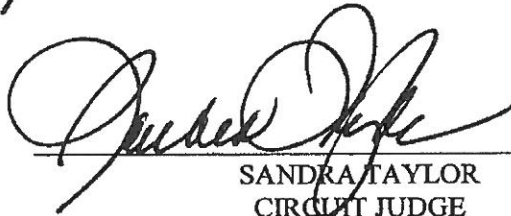
**SECTION V. DIRECTIONS TO LAW ENFORCEMENT OFFICER IN ENFORCING THIS  
INJUNCTION**

*(Provisions in this injunction that do not include a line for the judge to either initial or write N/A are considered mandatory provisions and should be interpreted to be part of this injunction.)*

1. **This injunction is valid in all counties of the State of Florida.** Violation of this injunction should be reported to the appropriate law enforcement agency. Law enforcement officers of the jurisdiction in which a violation of this injunction occurs shall enforce the provisions of this injunction and are authorized to arrest without a warrant pursuant to section 901.15, Florida Statutes, for any violation of its provision, which constitutes a criminal act under section 784.047, Florida Statutes.
2. Should any Florida law enforcement officer having jurisdiction have probable cause to believe that Respondent has knowingly violated this injunction, the officer may arrest Respondent, confine him/her in the county jail without bail, and shall bring him/her before the Initial Appearance Judge on the next regular court day so that Respondent can be dealt with according to law. The arresting agent shall notify the State Attorney's Office immediately after arrest. **THIS INJUNCTION IS ENFORCEABLE IN ALL COUNTIES OF FLORIDA AND LAW ENFORCEMENT OFFICERS MAY EFFECT ARRESTS PURSUANT TO SECTION 901.15(6), FLORIDA STATUTES.**
3. **Reporting alleged violations.** If Respondent violates the terms of this injunction and there has not been an arrest, Petitioner may contact the Clerk of the Circuit Court of the county in which the violation occurred and complete an affidavit in support of the violation or Petitioner may contact the State Attorney's office for assistance in filing an action for indirect civil contempt or indirect criminal contempt. Upon receiving such a report, the State Attorney is hereby appointed to prosecute such violations by indirect criminal contempt proceedings, or the State Attorney may decide to file a criminal charge, if warranted by the evidence.
4. Respondent, upon service of this injunction, shall be deemed to have knowledge of and to be bound by all matters occurring at the hearing and on the face of this injunction.
5. The temporary injunction, if any, entered in this case is extended until such time as service of this injunction is effected upon Respondent.

ORDERED on

*January 9, 2008*

  
SANDRA TAYLOR  
CIRCUIT JUDGE

COPIES TO:

Sheriff of Monroe County

Petitioner (or his or her attorney):  by U. S. Mail

by hand delivery in open court (Petitioner must acknowledge receipt in writing on the face of the original order - see below)

Respondent (or his or her attorney):  forwarded to sheriff for service

by hand delivery in open court (Respondent must acknowledge receipt in writing on the face of the original order - see below)

by certified mail (may only be used when Respondent is present at the hearing and Respondent fails or refuses to acknowledge the receipt of certified copy of this injunction)

State Attorney's Office

Domestic Violence Coordinator-Marisa Parra

I CERTIFY the foregoing is a true copy of the original as it appears on file in the office of the Clerk of the Circuit Court of Monroe County, Florida, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

(SEAL)

By: Maubady Lopez  
Deputy Clerk

ACKNOWLEDGMENT

I, Sharon K. Deja, acknowledge receipt of a certified copy of this Injunction for Protection.

\_\_\_\_\_  
Petitioner

ACKNOWLEDGMENT

I, Ira Jay Weisinger, acknowledge receipt of a certified copy of this Injunction for Protection.

Ira Jay Weisinger  
Respondent

STATE OF FLORIDA  
COUNTY OF MONROE)

This Copy is True Copy of the  
Original and I am a True Witness  
my Hand and Seal are here

This 9th day of Jan

A.D., 20 08  
D. Maubady Lopez  
Clerk Circuit Court





THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

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August 16, 2010

Mr. Ira Jay Weisinger  
Natures Treasures  
P.O. Box 431704  
Big Pine Key, FL 33040

Dear Mr. Weisinger,

Please be advised that you are in default of the terms of your lease, Section 6, Use of Premises, as shown on the attached photograph, as follows:

1. The uses allowed do not include the sale of T-shirts.
2. Sub-paragraph (B) Not to display any merchandise beyond the Demised premises nor in any manner use any part of the Common Areas
3. Sub- paragraph (c) Not to display any banners or similar temporary advertising media on the exterior of the premises

Pursuant to Section 10, Tenant Default, you have ten days to cure the aforesated defaults or upon your failure to cure Landlord may elect to take further actions as provided for the in the lease.

City of Key West

A handwritten signature in black ink, appearing to read "Marilyn Wilbarger", with a long horizontal flourish extending to the right.

Marilyn Wilbarger, RPA, CCIM  
Senior Property Manager



**LOBSTER TEE'S**

**TB**  
BANK OF THE STATE  
**ATM**

Nature's Treasures

COIN JEWELRY

**LOBSTER TEE'S**

**ATOCHA TREASURE**



# PORT OPERATIONS

CITY OF KEY WEST

# Incident Report

252

Date: 7-11-11 Time: 1:25 PM Officer: B. GARDNER

Truman Annex  Key West Bight  City Marina

Type of Incident

- Injury
- Property Damage
- Theft
- Trespass
- Sinking
- Fire
- Other: \_\_\_\_\_

Notification made to:

- Key West Police
- Key West Fire/Rescue
- Truman Annex Supervisor
- Key West Bight Supervisor
- City Marina Supervisor
- Other: \_\_\_\_\_

Location of incident:

201 WILLIAM ST

Subject - Name/Address/Phone:

JAY WEISINGER

Subject Narrative of Incident:

ON 7-9-11 APPROX 10:00 AM JAY STATES THAT W/M SUBJECT WHO WORKS AT SEBAEO BOOTH ADJACENT TO HIS STORE HAS BEEN THREATENING AND HARASSING HIM. THREATS ~~WAS~~ WERE CONSISTING OF BODILY HARM, GIVING JAY THE FINGER. JAY STATES THE MAN SHOUTS AT PEOPLE MAKING NEGATIVE COMMENTS ABOUT JAY'S MERCHANDISE.

Officer Narrative of Incident:

Photographs Taken

KWPD HAS HAD SEVERAL CALLS REGARDING THE INCIDENTS.

also witness by Staff D. Gardner.

Police Case Number: \_\_\_\_\_ Department Review By: \_\_\_\_\_

Police Officer's Name: \_\_\_\_\_ Date: \_\_\_\_\_

# Key West Police Department

Date Report Prepared 07/29/2011 12:50

## Incident Report

Case # 01-11-004032

<b>I N C I D E N T</b>	<b>Case #</b>	<b>Date Report Prepared</b>	<b>Occurred From</b>	<b>Occurred To</b>	<b>Report Type</b>
	01-11-004032	07/29/2011 12:50	07/28/2011 09:30	07/29/2011 13:09	Original
	<b>Dept. Classification</b>		<b>Case Status</b>	<b>Case Status Date</b>	<b>Cleared</b>
	CAD MISCELLANEOUS INCIDENT		OPEN	07/30/2011	07/29/2011 12:39
	<b>Common Name</b>				
NATURES TREASURES - 201 WILLIAM ST Apt. .110 KEYWEST, FL (MONROE County)					
Day of Week : THURSDAY					
Dispatched : 07/29/2011 12:39			Beat Assignment : 3		
Arrived : 07/29/2011 12:43			Alcohol Related : NO		
Map Reference : 1052KB1XO			Drug Related : NO		
Location Type : WATERWAY/BEACH/MARINA			Total Damaged Property Value : \$0.00		
Beat Assignment : 3			Total Stolen Property Value : \$0.00		
			Total Recovered Property Value : \$0.00		

<b>P E R S O N  1</b>	<b>Person Type</b>	<b>Business/Person Name</b>			<b>Business Phone</b>
	PERSON REPORTING	IRA J WEISINGER			(305) 295-0074
	<b>Home Phone</b>	<b>Person Address</b>			
	(305) 923-3496	031264 AVENUE H BIG PINE KEY FL 33043			
	<b>Other Phone</b>	<b>Employer Address</b>			
		201 WILLIAM ST KEY WEST FL 33040 ,MONROE County			
	<b>Race</b>	<b>Sex</b>	<b>SSN</b>	<b>DL Exp. Date</b>	<b>DL Number</b>
WHITE	Male		01/22/2017	W252-410-55-022-0	
<b>Birth Date</b>	<b>Birth Place</b>				
01/22/1955	NY, UNITED STATES				
Age : 56		Adult or Juvenile : ADULT			
Occupation : MANAGER		Employer : NATURE'S TREASURES			
DL State : FL		Hair Color : BROWN			
DL Country : UNITED STATES		Eye Color : BROWN			
Ethnic Origin : NON-HISPANIC		Residency Type : COUNTY			
Min. Height : 6'00"		Residency Status : FULL YEAR			
Min. Weight : 195 lbs		Citizenship : UNITED STATES			
End of Person: 1					

<b>P E R S O N  2</b>	<b>Person Type</b>	<b>Business/Person Name</b>			<b>Business Phone</b>
	PERSON REPORTING	DAVID SHAWN POINDEXTER			(000) 000-0000
	<b>Home Phone</b>	<b>Person Address</b>			
	(000) 000-0000	006000 PENINSULA AV Apt. 36 KEY WEST FL 33040			
	<b>Other Phone</b>	<b>Employer Address</b>			
		201 WILLIAM ST KEY WEST FL 33040 ,MONROE County			
	<b>Race</b>	<b>Sex</b>	<b>SSN</b>	<b>DL Exp. Date</b>	<b>DL Number</b>
WHITE	Male		01/25/2010	P532177671770	
<b>Birth Date</b>	<b>Birth Place</b>				
05/17/1967	FL, UNITED STATES				
Age : 44		Min. Weight : 180 lbs			
Occupation : SALES		Adult or Juvenile : ADULT			
DL State : FL		Employer : SEBAGO			
DL Country : UNITED STATES		Hair Color : BROWN			
Ethnic Origin : NON-HISPANIC		Eye Color : BROWN			
Min. Height : 6'00"					
End of Person: 2					

<b>P E R S O N  3</b>	<b>Person Type</b>	<b>Business/Person Name</b>			<b>Business Phone</b>
	WITNESS	PAUL H MCGRIL			
	<b>Home Phone</b>	<b>Person Address</b>			
	(000) 000-0000	000396 PEACON TER KEY WEST FL 33040			
	<b>Other Phone</b>	<b>Employer Address</b>			
		201 WILLIAM ST KEY WEST FL 33040			
	<b>Race</b>	<b>Sex</b>	<b>SSN</b>	<b>DL Exp. Date</b>	<b>DL Number</b>
WHITE	Male		02/24/2012	M264-688-61-064-0	
<b>Birth Date</b>	<b>Birth Place</b>				
02/24/1961	NY, UNITED STATES				
Age : 50		Min. Height : 5' 8"			
Occupation : CHARTER		Min. Weight : 160 lbs			

<b>Reporting Officer</b>	<b>Department</b>	<b>Report Status:</b>
OFC TODD RICHARD STEVENS (2609)	KEY WEST POLICE DEPARTMENT	Approved
<b>Officer Name</b>		<b>Date/Time</b>
<b>Verifying Officer</b>	<b>Department</b>	<b>Date / Time</b>
SGT JEFFERY SCOTT WILLIAMSON (1557)	KEY WEST POLICE DEPARTMENT	07/30/2011 17:54

# Key West Police Department

Date Report Prepared 07/29/2011 12:50

## Incident Report

Case # 01-11-004032

DL State : FL DL Country : UNITED STATES Ethnic Origin : NON-HISPANIC	Adult or Juvenile : ADULT Employer : SEBAGO
End of Person: 3	

<b>N A R R A T I V E</b>	<b>1</b>	Topic ORIGINAL	<p>On July 29, 2011, I was dispatched to Nature's Treasures at 201 William St, Key West, FL, in reference to a follow-up investigation. Upon arrival, I met with Ira WEISINGER, who told me that he has been involved in an ongoing feud with the Sebago sales booth located near his store. He told me that David POINDEXTER, who sits at the Sebago booth has been verbally abusive to him for approximately six (6) weeks. He said that this started when he made a suggestion to the Western Union sales operators to move to the Sebago location when Sebago closes. WEISINGER said that this upset POINDEXTER, to the point that he became verbally abusive towards WEISINGER, using loud profanity. WEISINGER said that he called police on July 28, 2011, because, at approximately 9:30am on this date, POINDEXTER showed him two (2) bags contained an unknown substance, saying that he would pour sugar into WEISINGER's vehicle's fuel tanks. WEISINGER told me that he was issued a CAD# (612090169). WEISINGER said that he would like to seek civil remedies against POINDEXTER. I gave him a case number.</p> <p>I spoke with POINDEXTER who told me that he believes that WEISINGER is mentally unstable. He said that he has never antagonized WEISINGER, but that many of the tenants who rent space at the marina have issues with WEISINGER. POINDEXTER has said that WEISINGER often stands near him, video-taping him. He said that on July 28, 2011, WEISINGER called for City Code Compliance officers to come to the scene, which they did. He said that WEISINGER often comes out of his store, yelling profanity at POINDEXTER and that he would like to seek civil remedies against WEISINGER. I gave POINDEXTER a case number.</p> <p>I was also flagged down by POINDEXTER's employer, Paul MCGRAIL. He told me that he has seen WEISINGER acting irrationally on numerous occasions, using profanity. He also said that up to four (4) other tenants at the Key West Bight have restraining orders against WEISINGER.</p>
End of Narrative: 1			

<b>Reporting Officer</b> OFC TODD RICHARD STEVENS (2609)	<b>Department</b> KEY WEST POLICE DEPARTMENT	<b>Report Status:</b> Approved
<b>Officer Name</b>		<b>Date/Time</b>
<b>Verifying Officer</b> SGT JEFFERY SCOTT WILLIAMSON (1557)	<b>Department</b> KEY WEST POLICE DEPARTMENT	<b>Date / Time</b> 07/30/2011 17:54

Date: 11/28/11  
Time: 11:57:01

KEY WEST POLICE DEPARTMENT  
Field Interview Report

Page: 1  
Program: CMS303L

Case Number : 1-10-200724  
FI Date : STUTZ, THOMAS 10/19/10 18:30  
Street Number : 201 WILLIAM ST  
City : KEY WEST, FL 33040  
County : MONROE Beat Assignment: 3  
FI Reason : OTHER Entry Date : 10/19/10 18:30  
Day of Week : TUESDAY

\*\*\*\*\* NAME INFORMATION # 1 \*\*\*\*\*

Case Number : 1-10-200724 Person Type : SUSPECT/ARRESTEE  
Prompt valid in: BRANNIGAN, JAMES HERBERT  
Street Number : 100 GRINNELL 003  
City : KEY WEST, FL 33040  
County : MONROE Birth Date : 11/20/1941 68  
Birth State : PA Birth Country : UNITED STATES  
Social Security: 90  
Oper Lic No. : B652-448-41-420-0 FL UNITED STATES  
Race : WHITE Sex : MALE  
Ethnic Origin : NON-HISPANIC Height : 508  
Weight : 250 Juvenile : ADULT  
Hair Color : GRAY/PARTIALLY GRAY Hair Length : MEDIUM  
Hair Style : WAVY/CURLY Eye Color : BROWN  
Glasses : UNKNOWN Complexion : TANNED  
Facial Hair : MUSTACHE AND BEARD Teeth : OTHER  
Build : HEAVY/LARGE/OBESE Speech : SLURRED  
Citizenship : UNITED STATES Residency Type : CITY  
Residency Sts : FULL YEAR Status : SUSPECT  
HAT : NONE SHIRT : TEE/WHITE  
COAT : NONE PANT : SHORTS/BLUE  
SHOE : SANDALS

\*\*\*EMPLOYER INFORMATION\*\*\*

Case Number : 1-10-200724

\*\*\*\*\* NAME INFORMATION # 2 \*\*\*\*\*

Case Number : 1-10-200724 Person Type : SUSPECT/ARRESTEE  
Prompt valid in: WEISINGER, IRA J  
Street Number : 31264 AVENUE H  
City : BIG PINE KEY, FL 33043  
County : MONROE Birth Date : 1/22/1955 55  
Birth State : NY Birth Country : UNITED STATES  
Social Security:  
Oper Lic No. : W252-410-55-022-0 FL UNITED STATES  
Race : WHITE Sex : MALE  
Ethnic Origin : NON-HISPANIC Height : 600  
Weight : 195 Juvenile : ADULT  
Hair Color : BROWN Hair Length : BALDING  
Hair Style : BALD ON TOP Eye Color : BROWN  
Glasses : UNKNOWN Complexion : MEDIUM  
Facial Hair : NONE Teeth : OTHER  
Build : MEDIUM AVERAGE Speech : NORMAL  
Citizenship : UNITED STATES Residency Type : COUNTY  
Residency Sts : FULL YEAR Status : SUSPECT  
HAT : BASBALL CAP SHIRT : POLO SHIRT

Date: 11/28/11  
Time: 11:57:01

KEY WEST POLICE DEPARTMENT  
Field Interview Report

Page: 2  
Program: CMS303L

1-10-200724 (Continued)  
COAT . . . . . : NONE  
SHOE . . . . . : SNEAKERS  
PANT . . . . . : SHORTS

\*\*\*EMPLOYER INFORMATION\*\*\*

Case Number . . : 1-10-200724

\*\*\*\*\* N A R R A T I V E # 1 \*\*\*\*\*  
ORIGINAL Reported By: STUTZ, THOMAS J. 10/19/10  
Entered By.: STUTZ, THOMAS J. 10/19/10

On Tuesday, October 19, 2010 at approximately 1830 hours, I (Ofc. Stutz) responded to 210 William Street for a report of a verbal disturbance. On arrival, I was approached by James Brannigan, who said he called the police because another subject, identified as Ira Weisinger, threatened him.

I asked Brannigan what happened. Brannigan said he is constantly harassed by Weisinger and said he has had enough. I observed Brannigan had watery eyes, slurred speech and a strong odor of alcohol on his breath. I asked Brannigan how he was harassed. Brannigan said Weisinger called him a drunk.

I spoke to Weisinger who told me he had said something to Brannigan about driving his car since he had watched Brannigan stagger from Schooner Warf Bar over to his vehicle. Weisinger said Brannigan instigates arguments with him frequently and would like the problem to stop.

Both subjects were separated and advised to avoid contact with one another. CAD number 102920327

\*\*\*\*\* END OF REPORT \*\*\*\*\*



# M.C.S.O. Arrest Search Results by Name



As of Wednesday, December 07, 2011 at 14:44

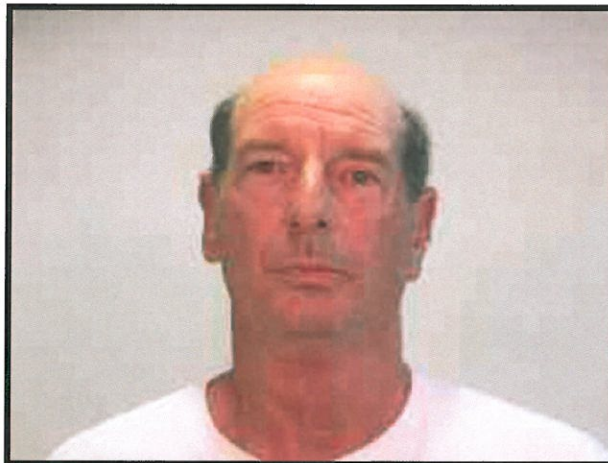
Remember: The person or people shown on these pages have been arrested, but **have NOT been found guilty in a court of law.**

For case dispositions, and for detailed information on criminal and civil court cases, visit the [Monroe County Clerk of the Courts web site](#).

For information on court dates and judges calendars, visit the [16th Judicial State Courts web site](#).

Please note that this information is inclusive from January 1, 2001.

[List of Attorneys](#) [List of Bondsmen](#)



## WEISINGER, IRA JAY

DoB:01/22/1955 Age:53 Sex:M Race:W

Arrest Date: 11/26/2011 CAD #: MCSO11CAD172204 Arrest #:

MCSO11ARR006944 Offense #: MCSO11OFF009037

Address:

31264 AVE H, BIG PINE KEY, FL 33043

Occupation:

OWNER in KEY WEST

Arrest Location: AVE H BIG PINE KEY, 31264

Charges:

**1 Misdemeanor Count(s) of 784.03.1a1**  
**TOUCH OR STRIKE**  
Officer/Agency: **1212 - MCSO/ROAD PATROL - SECTOR 1** Bond Amount:  
**\$0**

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