



THE CITY OF KEY WEST
Code Compliance Division

P.O. BOX 1409
KEY WEST, FL 33041
(305) 809-3740

**NOTICE OF CODE VIOLATION AND
ADMINISTRATIVE HEARING**

DATE: May 10, 2012
RE: CASE NUMBER 12-680

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5345 6035

To:
Scott J & Karen A Mangini
2320 Alford Way
Wellington, FL 33414

Subject Address:
1401 Olivia St Down
Key West, FL 33040

TAKE NOTICE that the City of Key West Code Compliance Division has requested the City of Key West Special Magistrate to conduct an administrative hearing regarding code violation(s) reported to you by **NOTICE OF CODE VIOLATION** concerning the above noted subject address. You were notified that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

Count 1: You shall not rent your property transiently without a transient license to do so.

Sec. 18-601. License required.

(a) The short-term rental of a residential property is a business activity that requires the property owner to hold a business tax receipt issued by the city. A state or county license without an accompanying city license is insufficient. Notwithstanding the existence of any other regulation of the city regulating the transient use of property, the short-term rental of a residential property without a business tax receipt violates the law. (b) It shall be unlawful for a property owner to lease a residential property for a period of less than 30 days or one calendar month without having obtained a business tax receipt under this division.

To Wit: On May 3, 2012, I observed two females occupying the downstairs unit. Ms. Kerry Firth (renter) invited me into the unit and allowed me to photograph the email exchange between Carl Garofalo, sflbarter.com, the agent for the owner, and herself indicating the amount of the week rental and the cleaning fee. The week rental (April 28, 2012 thru May 5, 2012) was through a barter exchange named Itex.com with \$2000 Itex (dollars) plus \$125 cleaning fee in cash. The photos included in the email depict what I personally observed at this address. The bikes and the key mentioned in the email were photographed by me at this location.

88

For Your Information: ITEX.com website states; "With our leading payment technology platform for processing cashless business transactions and our exclusive distribution channel, member businesses utilize our digital currency "ITEX dollars" to exchange goods and services, rather than use cash." Ms. Firth bartered advertising in her business, the InsideTrack Almanac, for the weekly rental of this property.

Corrective Actions: Obtain a transient license to rent this property or cease activity immediately.

Count 2: The property owner shall not hold out or advertise this property as a transient rental due to this area not accommodating transient residential uses. This zoning district intent was for residential development for permanent residents, including single-family, duplex and multiple-family residential structures.

Sec. 122-1371 . - Transient living accommodations in residential dwellings; regulations.

(b) Unlicensed residential transient use; prohibition. Except as provided in section 122-1372, all unlicensed transient rental use of residential dwellings is prohibited. (d) General regulations. The following regulations shall pertain to transient lodging use of or within a residential dwelling. (9) It shall be unlawful for any owner, tenant, broker, realtor, agent or other representative of the owners to hold out or advertise a residential dwelling for transient rental if the property is not permitted, as provided hereunder. A broker or realtor who is found in violation of this regulation shall be subject to business tax receipt revocation.

To Wit: On May 3, 2012, Ms. Kerry Firth (renter) invited me into the unit and allowed me to photograph the email exchange between Elizabeth Bowler, Treasure Coast Barter ITEX Franchise, Patta Conboy, ITEX in the Treasure Coast and Carl Garofalo, sflbarter.com, the agent for the owner, regarding the ITEX-One Million dollar Key West Home RENTAL and herself. The attachment mentioned in the email is "Mangini (homeowner) Key West Travel Request Form pdf (45K). Mr Garofalo explains the attached travel request form must be filled out and sent to his office indicating his office number and fax number with a reminder to reserve now because "once we send it out to all the brokers it will fill up fast."

For Your Information: Mr. Garofalo is an Independent ITEX Franchise Owner/Broker. He is also the registered agent for SFL Barter Inc. out of Pompano Beach, FL. The reply to the email to the renter states where to find the keys to the weekly rental; on street parking availability "all along the house"; how an SUV will fit; check in is 3pm and check out is 11am; and a cleaning company comes in after check out.

Corrective Actions: Obtain a transient license to rent this property or cease activity immediately.

Count 3: This Historic Medium Density Residential District does not accommodate transient residential uses.

Sec. 122-599. Prohibited uses in the HMDR district.

In the historic medium density residential district (HMDR), all uses not specifically or provisionally provided for in this subdivision are prohibited.

To Wit: The property owner, Mangini, through a broker, Carl Garafalo, rented this property for one week from April 28, 2012 thru May 5, 2012 for \$2,000 Itex dollars plus \$125 cleaning fee in cash without having a transient license to do so.

For Your Information: On May 29, 2009, a code case was assigned for the transient rental of one of the units. Code Officer Jeff Berman did a follow up inspection on September 3, 2009 and the case was closed when the second non-transient rental license had been paid for on September 17, 2009. The property owners, Scott and Karen Mangini of West Palm Beach have a business tax receipt for two non-transient rental units which expires on September 30, 2012. Sec. 122-597. Permitted uses. Uses permitted in HMDR are: 1, single-family & two-family residential dwellings; 2, Multiple-family residential dwellings; and 3, Group homes with less than or equal to six residents. Sec. 122-598.

Conditional Uses. 1, Group homes with seven to 14 residents; 2, Cultural and civic activities; 3, Educational institutions and day care; 4, Nursing homes/rest homes and convalescent homes; 5, Parks and recreation active and passive; 6, Places of worship; 7, Protective services; 8, Public and private utilities; and 9, Parking lots and facilities.

In accordance with Florida Statutes § 162 and Code of Ordinances, City of Key West, § 2-631 through § 2-647, The City of Key West has scheduled a hearing to be held at **Old City Hall, 510 Greene Street, Key West, Florida at 1:30 P.M. on:**

June 12, 2012

The Chambers will be open at 1:00 PM. These proceedings may be televised.

The purpose of this hearing is to determine if a violation(s) exists, the appropriate action to be taken, if any is required, and if any fines or penalties are to be imposed. **YOU ARE REQUESTED TO APPEAR AT THIS HEARING** to present evidence and/or testimony to show cause, if any, why you should not comply with City Ordinances. **YOUR FAILURE TO APPEAR MAY RESULT IN A FINE OR PENALTY BEING IMPOSED AGAINST YOU AND A LIEN BEING IMPOSED UPON YOUR PROPERTY.**

You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

If you intend to request a continuance from the Hearing Date set out above you must submit a written request for a continuance addressed to the Special Magistrate and mailed to PO Box 1409, Key West, FL 33041 or delivered to the Special Magistrate's Legal Analyst at 3139 Riviera Drive, Key West, FL 33040. All requests must be received at least five (5) working days prior to the Hearing Date set out above. If the request is not received five (5) working days prior to the Hearing Date you or your attorney must appear on the Hearing Date to petition the Special Magistrate for a continuance. If any continuance is granted this will not stay discovery and all records previously requested must be supplied to the City or formally objected to.

Be advised that, if you decide to appeal any decision of the Special Magistrate in this code enforcement hearing, you shall be responsible to ensure that a verbatim record of the proceedings of this code enforcement hearing is made, such that any evidence and testimony upon which an appeal may be based can be submitted to the appellate court.

If you are found to be in violation of City of Key West Ordinances, administrative costs in the amount of **\$250.00** may be levied for administrative recovery for prosecution and investigation in addition to levied

finer associated with the violation(s). **Failure to pay these costs will result in a lien against the property in violation.**

PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MAGISTRATE. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.



Barbara Meizis
Code Compliance Officer
City of Key West

Hand served this _____ *day of* _____, 2012 @ _____ *am/pm.*

Received by: _____ *Served By:* _____

4/24/12

RE: key west home

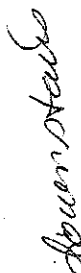
From: Carl Garolajo <carl@stbarter.com>
To: kcalmanac@calmanac@aol.com
Subject: RE: key west home
Date: Tue, Apr 24, 2012 9:12 am

Hi Kerry,

In the back of the house under the sink is a Blue Bucket. Inside you will see 2 Keys one with "D" Downstairs and "U" Upstairs. Just use the appropriate key. There is street parking all along the house. (It is a corner house). An SUV will fit for sure. Check in is 3pm and check out is 11am. (There is a cleaning company that comes in.)

Enjoy!

Val



From: kcalmanac@aol.com [mailto:kcalmanac@aol.com]
Sent: Monday, April 23, 2012 8:16 PM
To: carl@stbarter.com
Subject: key west home

Hi Carl,

I am checking into the fabulous key west home this saturday and I wasn't sure where to get a key. Also...we plan on bringing bikes and kayaks... I'm assuming it will have a parking space big enough for an suv.... I am so excited about staying there. I won't be arriving until Saturday afternoon sometime so please let me know the procedure for checking in and out.
thanks
kerry

Kerry Firth
Inside Track Almanac
4185 70th Ave
Vero Beach, FL 32967
772-567-3911 772-567-3277 fax
www.insidetrackalmanac.com

Any attached files are protected by intellectual copyright laws and may not be reproduced or mimicked without written consent from the copyright holder.

Advertisements designed by Inside Track Almanac can be reformatted for reproduction through other media outlets for a charge of \$65 per insertion. Please contact us for full details.

05/03/2012

From: elizabeth bowler <elizabeth.bowler@itex.net>

To: elizabeth bowler <elizabeth.bowler@itex.net>

Subject: FW: ITEX-One Million dollar Key West Home RENTAL

Date: Mon, Mar 5, 2012 12:36 pm

Attachments: Mangini_Key_West_Travel_Request_Form.pdf (45K)

Elizabeth Bowler (Liz)

Treasure Coast Barter

Itex Franchise

www.itex.com

772-532-1881

772-584-3733 fax

"barter is smarter"

From: Patta Conboy

Sent: Monday, March 05, 2012 12:30 PM

To: elizabeth bowler; info@thejungleclub.com

Subject: FW: ITEX-One Million dollar Key West Home RENTAL

remember its two units in same house - price quoted below is for each unit

Patta Conboy

ITEX in the Treasure Coast

Telephone: 772-567-8513

Fax: 772-584-3733

patta.conboy@itex.net

From: Carl Garofalo [carl@sflbarter.com]

Sent: Monday, March 05, 2012 12:25 PM

To: Patta Conboy

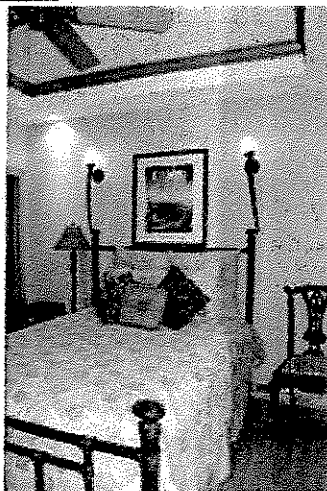
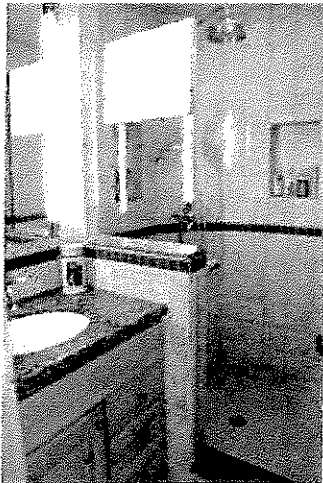
Subject: ITEX-One Million dollar Key West Home RENTAL

*Kay Martin
Vero Beach, FL
Kerry Firth
Vero Beach, FL*

Incredible Key West Weekly Rental

\$2000 Itex plus \$125 cleaning fee in cash

1401 Olivia Street Key West, Florida



Two incredible 2/2 units available (upstairs and downstairs) based on availability at \$2000 per week per unit (plus \$125 cash cleaning fee per unit).

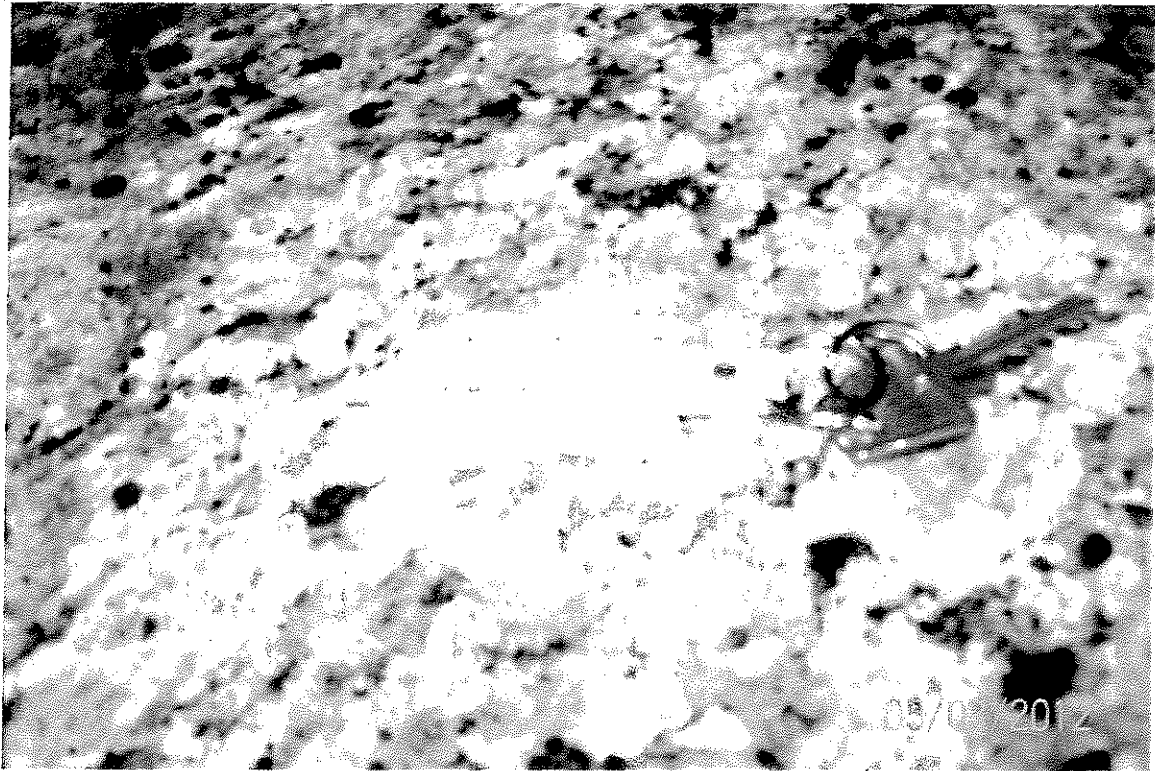
Must fill out attached travel request form and send to Carl Garofalo's office.

Office phone: 954.876.9758

Fax: 954.944.1985

Email: carl@sflbarter.com

Please reserve now for anytime you wish to in the next year. Once we send it out to all the Brokers it will fill up fast.



FW: ITEX One Million dollar Key West Home RENTAL

From: elizabeth bowler <elizabeth_bowler@ix.net>
To: elizabeth bowler <elizabeth_bowler@ix.net>
Subject: FW: ITEX-One Million dollar Key West Home RENTAL
Date: Mon, Mar 5, 2012 12:26 pm
Attachments: Miami_Key_West_Travel_Request_Form.pdf (53K)

Elizabeth Bowler (1/2)
Elizabeth Bowler
Key West
772-532-1884
772-504-3733 fax
"Bowler is smarter"

From: Patsy Conroy
Sent: Monday, March 05, 2012 12:30 PM
To: elizabeth bowler; elizabeth_bowler@ix.net
Subject: FW: ITEX-One Million dollar Key West Home RENTAL

remember its two units in same house - price quoted below is for each unit
Patsy Conroy

ITEX in the Treasure Coast
Telephone: 772-567-8513
Fax: 772-584-3723
www.conroyitex.net

From: Cori Garofalo [cori@barbar.com]
Sent: Monday, March 05, 2012 12:25 PM
To: Patsy Conroy
Subject: ITEX-One Million dollar Key West Home RENTAL

Incredible Key West Weekly Rental

\$2000 ITEX plus \$125 cleaning fee in cash
1401 Olivia Street Key West, Florida

05/03/2012

FW: ITEX ONE MILLION DOLLAR KEY WEST HOME RENTAL (2/2)



Two incredible 2:2 units available (upstairs and downstairs) based on availability
at \$2000 per week per unit (plus \$125 cash cleaning fee per unit)

03, 03/2012

05/03/12

RE: Key West Home

Must fill out attached travel request form and send to Carl Carofalo's office.
Office phone: 954.876.9758
Fax: 954.944.1985
Email: carl@stbroker.com

Please reserve now for anytime you wish to in the next year. Once we send it out to all the Brokers it will fill up fast.

19W 21W
40 20 10
50 West E.

05/03/2012

05/03/12

RE: Key west home

From: Carl Carofalo <carl@stbroker.com>
To: kralmanac <kralmanac@aol.com>
Subject: RE: key west home
Date: Tue, Apr 24, 2012 9:12 am

Hi Kerry

In the back of the house under the sink is a Blue Bucket. Inside you will see 2 Keys one with "D" Downstairs and "U" Upstairs. Just use the appropriate key. There is street parking all along the house. (It is a corner house). An SUV will fit for sure. Check in is 5pm and check-out is 11am. (There is a cleaning company that comes in.)

Enjoy!

Val

Downstairs

From: kralmanac@aol.com (mailto:kralmanac@aol.com)
Sent: Monday, April 23, 2012 6:16 PM
To: carl@stbroker.com
Subject: key west home

Hi Carl,

I am checking into the fabulous key west home this saturday and I wasn't sure where to get a key. Also...we plan on bringing bikes and kayaks... I'm assuming it will have a parking space big enough for an SUV... I am so excited about staying there. I won't be arriving until Saturday afternoon sometime so please let me know the procedure for checking in and out.

thanks
kerry

Kerry Firth
InsideTrack Almanac
4185 70th Ave
Vero Beach, FL 32967
772-567-3911 772-567-3277 fax
www.insidetrackalmanac.com

Any attached files are protected by intellectual copyright laws and may not be reproduced or mimicked without written consent from the copyright holder.

Advertisements designed by InsideTrack Almanac can be automated for reproduction through other media outlets for a charge of \$65 per insertion. Please contact us for full details.

05/03/2012





