



# 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, November 21, 2024

1:30 PM

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

- 1**                      **Case # 24-1085**  
Erne Buildings Inc.  
1900 Flagler Ave  
Sec. 110-291 Compliance Settlement Agreements  
Officer Erin Buechele  
Hand Served: 9-20-2024- **Amended Notice**  
Initial Hearing: 9-26-2024

**Continued from 31 October 2024**

**Count 1:** Failure to comply with the settlement agreement.

The Code Officer was Erin Buechele. The Respondents did not attend. Officer Buechele explained that this case was heard at the last hearing and the Special Magistrate gave a compliance date of 1 November 2024, and that she had emailed Dan from the Planning Department on 21 November 2024 and asked if the Respondents complied. The Respondents were not in compliance. The Special Magistrate ordered for the fines to start running until compliance is achieved.

- 2**                      **Case # 24-1056**  
Rossi Family LLLP  
GB & BB Registries LLC  
3515 Eagle Ave  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business

Officer Sophia Doctoche  
Certified Mail: 9-18-2024  
Initial Hearing: 10-31-2024

**In compliance as of 15 November 2024; Request dismissal**

**Count 1:** Failure to apply and obtain a non-transient license with the City of Key West Licensing Department.

**This case came into compliance as of 15 November 2024. The Special Magistrate granted the dismissal.**

**3**

**Case # 24-1196**

Alarcon Yeison  
709 Emma Street 1  
Sec. 18-601 License required- **Irreparable**  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations- **Irreparable**  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations D(9)- **Irreparable**  
Officer Sophia Doctoche  
Certified Mail: **Amended Notice**  
Initial Hearing: 11-21-2024

**New Case**

**Count 1-6:** Failure to obtain a transient medallion and license to advertise and rent short-term.- **Irreparable**

**Count 7-9:** Failure to obtain all required city, county and state licensing to advertise and rent short-term.- **Irreparable**

**Count 10-15:** Failure to obtain all required city, county and state licensing to advertise and rent short-term.- **Irreparable**

**The Code Officer was Sophia Doctoche. The Respondent did not attend. Officer Doctoche requested for a continuance to achieve good service. The Special Magistrate granted the continuance to 19 December 2024.**

**4**

**Case # 24-1260**

Wavy Gravy LLC  
Valerie Chelley- **Registered Agent**  
810 Duval Street  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business- **Irreparable**  
Sec. 62-2 Obstructions- **Irreparable**  
Officer Sophia Doctoche  
Hand Posted: 11-7-2024

Initial Hearing: 11-21-2024

### **New Case**

**Count 1:** Failure to apply and obtain a license for cafe right-of-way from the City of Key West Licensing Department.- **Irreparable**

**Count 2:** Failure to keep City right-of-way clear of obstructions.- **Irreparable**

The Code Officer was Sophia Doctoche. The Respondent, Valerie Shelly, owner of Wavy Gravy LLC, was present. Director Jim Young was present on behalf of the City. City Attorney Ron Ramsingh was also present on behalf of the City. Officer Doctoche read her timeline, and evidence was shown. On October 26th, Officer Doctoche observed tables and chairs placed on the city right-of-way outside the business, Vino's, on Duval Street, in violation of city regulations. The establishment was also advertising a Fantasy Fest event with a \$60 ticket, which included food and a welcome drink. During the event, tables and chairs obstructed the sidewalk, and the business lacked a sidewalk café permit or a valid tax certificate. Photos were provided, taken by Jim Young, who confirmed capturing images showing the obstruction. The business representatives did not dispute the existence of the violation but clarified that they had complied with the request to move the tables. The business claimed that the chairs were not sold to customers but were merely reserved for them. In response, the code officer stated that the signage indicating "Vino's customers only" violated city ordinance, as it reserved space on the city right-of-way. Further witness testimony Greg Lloyd confirmed the presence of these reserved chairs but did not conclusively establish the sale of the seats. Despite admitting the violation, the defense argued they were unaware of the severity of the infraction. After considering the testimony, the Special Magistrate found that a violation had occurred, particularly concerning the obstruction of the city right-of-way. The City requested a finding of the violation. The Special Magistrate determined that there was substantial evidence for a finding of the violation and imposed a \$250.00 administrative cost and a \$500 fine.

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### **Case # 22-328**

712 Eaton St Land Trust

Eaton St Enterprises LLC

Richard M. Klitenick- **Registered Agent**

712 Eaton Street

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

Sec. 14-40 Permits in historic districts

Sec. 122-600 Dimensional requirements

Officer Paul Navarro

Hand Served: 7-15-2024

Initial Hearing: 7-25-2024

**Continued from 31 October 2024**

**Count 1:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

**Count 2:** Failure to apply and obtain a certificate of appropriateness with the City of Key West HARC Department.

The Code Officer was Paul Navarro who was present via Zoom. Director Jim Young was present on behalf of the City. City Attorney Ron Ramsingh was present on behalf of the City. Attorney Wayne Smith was present on behalf of the Respondent. Mr. Young testified regarding the property located at 712 Eaton St. He explained that the case was first brought to the city's attention in 2018 due to an anonymous complaint about construction at 712 Eaton St. without the necessary permits. The complaint specifically concerned the renovation of a pool house located at the rear of the property.

Director Young testified that a review of the city's building files revealed that no permits had been issued for the work. He further testified that the owner of the property, Mr. Pesce, had retained an attorney, Darren Horan, and entered into a settlement agreement. This agreement involved admitting the violation and agreeing to obtain after-the-fact permits for the work that had been done. Director Young testified that a new complaint was received in February 2022, indicating that the same structure at 712 Eaton St. was still in violation of code, as permits had not been obtained for the pool house. Mr. Young also stated that the structure may encroach on a neighboring property owned by Mr. Wade Morgan.

Mr. Young testified that a survey was reviewed, and he confirmed that part of the structure was on Mr. Morgan's property. Attorney Smith argued that the 2018 case had been fully litigated and resolved through a settlement agreement, and thus, the city should be barred from pursuing the same allegations in the current case under the principles of *res judicata*. Attorney Smith cited case law supporting the application of these doctrines to quasi-judicial proceedings. Attorney Ramsingh argued that the 2018 case had resolved some of the violations, but others remained unresolved. Attorney Ramsingh further argued that the 2018 settlement agreement only addressed one count, and the remaining counts (2 through 12) had not been addressed. Attorney Ramsingh also stated an old case at 720 Carsten Lane where the Special Magistrate ruled that *res judicata* does not apply in quasi-judicial court hearings. The Special Magistrate indicated that the motion on *res judicata* would need further review. The Special Magistrate requested both parties to provide case law for consideration to assist in making a ruling. The Special Magistrate ordered for these case laws to be provided to him by January 15, 2025. The Special Magistrate granted a continuance to 23 January 2025.

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**Case # 24-963**

4911 Carter LLC

Michael J. Santis- **Registered Agent**

3608 Duck Ave

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

Sec. 18-117 Acts declared unlawful

Sec. 14-256 Required

Sec. 14-359 Permit display  
Officer Alma Montano  
Certified Mail: 8-27-2024  
Initial Hearing: 9-26-2024

**Continued from 26 September 2024**

**Count 1:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

**Count 2:** Failure to hire a licensed contractor.

**Count 3:** Failure to apply and obtain the appropriate electrical permit with the City of Key West Building Department.

**Count 4:** Failure to display building permits.

The Code Officer was Alma Montano. The Respondent was not present. Chief Building Official Raj Ramsingh was present on behalf of the City. Officer Montano read her timeline and evidence was shown. Chief Building Official Ramsingh stated that the Respondent still needed to apply for a renovation exterior and roofing permits. Chief Building Official Ramsingh stated that the Respondent Mr. Santis is a Florida registered contractor. The Special Magistrate dismissed counts 2 and 3 due to Mr.Santis being a Florida registered contractor and that he has applied for electrical permits. The City requested a finding of the violation. The Special Magistrate thought that there was substantial evidence for a finding of the violation and imposed \$250.00 administrative cost and \$250.00 per counts 1 and 4 per day if not in compliance by 15 December 2024 by 5:00PM.

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**Case # 24-1140**  
LCM Thomas LLC  
Gregory Oropeza- **Registered Agent**  
903 Thomas Street  
Sec. 26-32 Nuisances illustrated  
Officer Alma Montano  
Certified Mail: 9-24-2024  
Initial Hearing: 10-31-2024

**Settlement Agreement**

**Count 1:** Failure to prevent water from discharging onto the City right of way.

This case had a settlement agreement between the City and LCM Thomas LLC which outlined the following: an administrative cost in the amount of \$250.00. The total due to the City is \$250.00. The settlement agreement was signed by all parties and the Special Magistrate executed the agreement.

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**Case # 24-1208**  
Zeid, Oakley & Fernandez Talia

1725 Laird Street  
Sec. 58-61 Determination and levy of charge  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Alma Montano  
Certified Mail: 10-21-2024  
Initial Hearing: 11-21-2024

### **Settlement Agreement**

**Count 1:** Failure to apply and obtain a LUD with the City of Key West Planning Department.

**Count 2:** Failure to apply and obtain a non-transient license with the City of Key West Licensing Department.

This case had a settlement agreement between the City and Zeid Oakley and Fernandez Talia which outlined the following: an administrative cost in the amount of \$250.00. Also the respondent stipulates to an imposition of a suspended fine in the amount of \$250.00. The total due to the City is \$250.00. The settlement agreement was signed by all parties and the Special Magistrate executed the agreement.

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### **Case # 24-1138**

Ronald E Saunders  
1121 Georgia Street  
Sec. 62-2 Obstructions  
Sec. 58-35 Requirements for bulk and excess yard waste pickup  
Officer Laurie Skinner  
Hand Posted: 11-5-2024  
Initial Hearing: 11-21-2024

### **New Case**

**Count 1:** Failure to remove bulk trash from the City right-of-way.

**Count 2:** Failure to call Waste Management for a bulk pick up.

The Code Officer was Laurie Skinner. The Respondent Ronald Saunders was present. Officer Skinner read her timeline and evidence was shown. The Respondent asked the Code Officer a couple of questions. The Respondent stated that he did call Waste Management for an estimate to pick up the debris, and Waste Management did not get back to him with that estimate. He also said that he would pick up the rest that day and will be in compliance. The City requested a finding of the violation with \$250.00 administrative cost and \$250.00 per count per day. The Special Magistrate stated that there was an admission to the violation and imposed \$250.00 administrative cost and \$250.00 per count per day if not in compliance by 27 November 2024 by 5:00PM.

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**Case # 24-733**

Orioles Nest Key West Inc.  
David W. Lehmkuhi- **Registered Agent**  
106 Simonton Street  
Sec. 122-63 Review; enforcement (F)- **Irreparable**  
Officer Leo Slecton  
Certified Mail:  
Initial Hearing: 11-21-2024

**Continuance granted to 19 December 2024**

**Count 1:** Failure to not adhere to the conditional use.- **Irreparable**

This case was previously granted a continuance to 19 December 2024.

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**Case # 24-1060**

Southernmost Contracting LLC  
Kevin Pickett  
518 Margaret Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-40 Permits in historic districts  
Officer Leo Slecton  
Certified Mail: 8-21-2024  
Initial Hearing: 8-29-2024

**Continued from 31 October 2024**

**Count 1:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

**Count 2:** Failure to apply and obtain a certificate of appropriateness with the City of Key West HARC Department.

Director Jim Young was present on behalf of the city. The Respondent, Kevin Pickett, was also present. The Respondent Mr. Pickett provided an update on the status of the project. He stated that two meetings had been held, and both were successfully completed as of the 18th. Efforts had been made to proactively contact various reviewers and parties involved. Some approvals, including the fire marshal's approval, have already been secured. The project is now awaiting building plan reviews. The Respondent asked for a continuance. The Special Magistrate granted a continuance until 19 December 2024.

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**Case # 24-1262**

Lannie M Herlihy  
C/O Piper Realty LLC  
813 Patone Street

Sec. 58-35 Requirements for bulk and excess yard waste pickup  
Sec. 62-2 Obstructions  
Officer David Wilson  
Hand Posted: 11-7-2024  
Initial Hearing: 11-21-2024

**New Case**

**Count 1:** Failure to call Waste Management and schedule a bulk pick up.

**Count 2:** Failure to remove trash from City right-of-way.

The Code Officer was David Wilson. The Respondent did not attend. Officer Wilson read his timeline and evidence was shown. The City requested a finding of violation with \$250.00 administrative cost and no fines. The Special Magistrate thought that there was substantial evidence for a finding of violation and imposed \$250.00 administrative cost and no fine.

**Adjournment**