



THE CITY OF KEY WEST
Code Compliance Division

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

**NOTICE OF IRREPERABLE CODE VIOLATION
AND ADMINISTRATIVE HEARING**

DATE: July 11th, 2013
RE: CASE NUMBER 13-00000748

POSTED

To:
Andrea Ayres
1125 Whitehead Street
Key West, Florida 33040

Subject Address:
1121 Whitehead Street
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 noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

Count 1-1

Sec. 66-87. - Business tax receipt required for all holding themselves out to be engaged in business.

EXTENDED DESCRIPTION

No person shall engage in, manage, carry on or practice, wholly or in part, within the city limits, any business, profession or occupation without first procuring a city business tax receipt. For the purposes of this article, any person holding himself out to the public by sign, printed matter, telephone directory classified section, city directory or otherwise as being engaged in business or as offering services or property to the public for a consideration, regardless of whether such person actually transacts any business or practices a profession, shall be considered as engaging in business and shall be liable for a business tax receipt fee thereon. (Code 1986, § 91.01; Res. No. 06-292, § 1, 9-6-2006)

To Wit: A property owner, register agent, property manager or any other individual shall not rent, profit from leasing a property without having a current business tax receipt to do so. On July 3rd, 2013 I went over 1125 Whitehead Street to investigate a complaint that came in from this address alleging that there was debris dumped on the ground on the side of this property. When I arrived outside were Bill Staine

and Andrea Ayres. I asked did you call us and they replied yes. After addressing the debris complaint I asked Andrea if she was conducting business at 1121 Whitehead and she replied no "property is bank owned". I proceeded to go over 1121 Whitehead and knocked on the door; Mr. Nick Doetsch answered and I asked if he was renting and if he would provide a rental lease. He provided me with a lease that reflects an agreement between Andrea Ayres, named as the landlord and Mr. Nick Doetsch, named as the renter. The execution of this lease is dated May 14th, 2013. This lease follows to say that it commenced in June 14th, 2013 and continuing on a month to month basis until the landlord or the tenant terminates the tenancy. This property was purchased by the US National Bank Association on March 25th, 2013; before Andrea Ayres rented this property illegally. After I was done speaking with Mr. Doetsch I went back to 1125 Whitehead and asked Andrea why she had a lease signed and executed on a property that she does not own and without a business tax receipt and she replied "Fine me or take me to court, do what you have to do".

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:**

July 31st, 2013

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 fines 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.**



Leonardo Hernandez
Code Compliance Officer
City of Key West
(305) 809-3730 Desk
(305) 797-8701 Cell

Hand Served this day of _____, 2013

RECEIVED BY: _____

SERVED BY: _____