



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, July 27, 2023

1:30 PM

City Hall

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

3

Case # 23-673

Waterfront Brewery LLC

Joseph H. Walsh

201 William Street

Sec. 18-615 Revocation or suspension

Officer Sophia Doctoche

Hand Served: 7-21-2023

Initial Hearing: 7-27-2023

New Case

Count 1: Failure to contact the City of Key West Licensing and schedule an inspection for the conditional use permit.

The Code Officer was Sophia Docotche. The Respondent Joseph Walsh was present. Assistant City Attorney Nicolas Trovato was present on behalf of the City. The Respondent provided an evidence packet. Officer Doctoche read her timeline. The Respondent asked Officer Doctoche when a violation was found with item 1 on the inspection list did she continue the inspection. Officer Doctoche answered no. The Respondent asked Officer Doctoche if the Licensing Department made the inspection form. Officer Docotche answered that the form was drafted by the Planning and Licensing Department. The Respondent asked Officer Doctoche if she knew if the business was in compliance for the other 8 items on the inspection form. Officer Doctoche answered no and if there was a violation found the procedure is to stop the inspection once one of the sections has failed. The Respondent referenced page 2 section 2 of the resolution 2012-25 and asked if Officer Doctoche saw anywhere where the resolution mentions seating. Officer Doctoche answered

yes and referenced where she saw it. The Respondent stated that Officer Doctoche was reading before the mark where he asked her to read from. The Respondent asked Officer Doctoche if she sees any mentioning of seating in the section where it reads "with the conditions provided by the Planning Board the conditions are as follows". Officer Doctoche answered that she does not see seating in the list, but seating is mentioned in the resolution. The Respondent referenced his evidence packet exhibit B page 3 the highlighted section. The Respondent asked Officer Doctoche if she saw any where in the section he referenced if it mentions seating. Officer Doctoche answered no she did not see seating mentioned in the highlighted area in the exhibit he provided. Officer Doctoche stated that her resolution is different than the one he provided. The Respondent stated that conditional use inspections should not include the counting of seats. Assistant City Attorney Nickolas Trovato stated that section 2 the City Commission also added that the Respondent have no more than 150 seats on each floor of the business and the fact that he has more seats on the first floor is a violation of the conditions that the City Commission set forth in granting this particular resolution. The Respondent stated that we are not here for having too many seats and that we are here for a failure to pass a conditional use inspection. The Respondent continued to argue the charges against him and the Special Magistrate decided that a continuance might be the best thing to do. The Special Magistrate granted the continuance to 28 September 2023.

Mitigations

32

Case # 22-1417

Dennis & Leigh Hooten
2829 Seidenberg Ave
Certified Mail: 6-8-2023

This case went before the Special Magistrate for a mitigation. Ashley Dixon Legal Analyst was present on behalf of the City. The Respondent did attend. The Special Magistrate explained that according to the mitigation ordinance he could only mitigate the fines up to 20%. The Respondent explained that he was sorry about the amount of time it took to come into compliance. He also stated that there was a misunderstanding on his part with the Code Officer if the fines were still running. The Special Magistrate asked the Respondent if he had received the collection letter that was sent on 31 January 2023. The Respondent answered he's not sure that he received it. The Respondent stated that he was not at the initial hearing when the fines were imposed. The Respondent stated that he is on call for his job 24/7 and sometimes things slip past him. The Special Magistrate decided to continue the case for time to think about how much to mitigate the fines. The Special Magistrate granted a continuance to 31 August 2023.

Code Violations

27

Case # 22-1571

Janker Living Trust 11/16/2021
Peter Janker- **Property Owner**
1301 Whitehead Street 1

Sec. 58-61 Determination and levy of charge
Sec. 90-363 Certificate of occupancy required
Officer Jim Young
Hand Posted: 4-19-2023
Initial Hearing: 4-27-2023

Continued from 25 May 2023

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 Certificate of Occupancy with the City of Key West Building Department.

The Code Officer was Jim Young. The Respondent Peter Janker was present. Matt Willman GIS Coordinator was present on behalf of the City. Assistant City Manager Todd Stoughton was present on behalf of the City. Officer Young read his timeline. Officer Young stated that there were witnesses the City would call upon for this case. The first witness for the City Matt Willman stated that it is customary to have the back utilities which is for the sewer paid for to get the LUD and he stated exactly how much the Respondent owes. The Respondent asked Matt Willman a series of questions and Matt answered his questions. The Special Magistrate stated that if the Respondent wants to argue about the amount of fees that are owed for the LUD then he will have to take that up with the City and also said that there was an admission to having owed back fees to the City. The Respondent stated that he did not admit to the violation that he had rented the whole house out to a single family and they used the whole home. The Special Magistrate asked why did he apply for a LUD. The Respondent stated that he wanted an affordable work force housing for the residents of Key West so that they can keep an eye on the whole property while he is out of town. Officer Young stated that the Respondent applied for the LUD and the Planning Department requires certain information and the cut off date for the back utilities fees went back to 1993 and since then has been changed to 2010. The Respondent provided information that there is two units on the property and we are not here questioning if he rents it or not. The Respondent also provided evidence from Keys Energy showing electricity being used in two units starting April 30th 1998 going until November 1st 2011. The fact is, is that the Respondent applied for a LUD then Matt did the calculations for the back utilities pay and now the Respondent refuses to pay. Officer Jim Young stated the next witness is Assistant City Manager Todd Stoughton. Officer Young went on to ask Assistant City Manager Stoughton about his involvement in the case that the Respondent reached out to him to waive the fees for the Respondent. Assistant City Manager Stoughton answered yes and he gave him other avenues for him to try to do that. Officer Young also asked if the Respondent had tried to do anything he had suggested and the answer was no. The Special Magistrate thought there was substantial evidence for a finding of the violation and imposed \$250.00 administrative cost and \$250.00 per count per day if not in compliance by 29 August 2023.

Code Violations

1 **Case # 23-178**
Lola's Key West LLC
Renata Coll CPA- **Registered Agent**
728 Simonton Street
Sec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business
Officer Sophia Doctoche
Certified Mail: 6-2-2023
Initial Hearing: 7-27-2023

In compliance as of 23 June 2023; Request dismissal

Count 1: Failure to contact the City of Key West Licensing Department
to updated license for the excess seats.

**This case came into compliance as of 23 June 2023. The Special Magistrate
granted the dismissal.**

2 **Case # 23-609**
Alison Costello
1227 2nd Street
Sec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business
Officer Sophia Doctoche
Certified Mail: 6-6-2023
Initial Hearing: 7-27-2023

In compliance as of 7 June 2023; 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 7 June 2023. The Special Magistrate
granted the dismissal.**

4 **Case # 23-889**
Nicholas Pierre Boumerhi
Jennifer Erin Dellantonio
1518 United Street
Sec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business
Officer Sophia Doctoche
Hand Posted: 7-21-2023
Initial Hearing: 7-27-2023

New Case

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

The Code Officer was Sophia Doctoche. The Respondent did not attend. Officer Doctoche asked for a continuance due to the good service date not being 10 days before the hearing. The Special Magistrate granted the continuance to 31 August 2023.

5**Case # 23-907**

Peacon Palms LLC

Steven Arnold- **Registered Agent**

3312 Northside Drive 711

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

Officer Sophia Doctoche

Certified Mail: 7-10-2023

Initial Hearing: 7-27-2023

In compliance as of 13 July 2023; 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 13 July 2023. The Special Magistrate granted the dismissal.

6**Case # 23-921**

Iolanda & John Stashenko

1213 20th Street

Sec. 26-32 Nuisances illustrated

Sec. 26-126 Clearing of property of debris and noxious material required

Officer Sophia Doctoche

Hand Posted: 7-21-2023

Initial Hearing: 7-27-2023

In compliance as of 24 July 2023; Request dismissal

Count 1: Failure to clear property of all overgrown weed, grasses, and trees.

Count 2: Failure to clear property of all overgrown weed, grasses, and trees.

This case came into compliance as of 24 July 2023. The Special Magistrate granted the dismissal.

7

Case # 23-582

Katharina Tiffany and Veritas Gassmann LLC

Palani Meador- **Registered Agent**

1104 Packer Street

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

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

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

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

Sec. 18-601 License required

Sec. 18-601 License required

Sec. 18-601 License required

Sec. 18-601 License required

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations D(9)

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations D(9)

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations D(9)

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations D(9)

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations D(9)

Sec. 58-61 Determination and levy of charge

Sec. 58-61 Determination and levy of charge

Sec. 58-61 Determination and levy of charge

Sec. 58-61 Determination and levy of charge

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

Officer Ashton Gentry

Hand Posted: 5-3-2023 **Amended Notice**

Initial Hearing: 4-27-2023

Continued from 25 May 2023

Count 1-4: Failure to apply and obtain a non-transient license with the City of Key West Licensing Department.

Count 5-9: Failure to apply and obtain a transient medallion with the City of Key West Licensing Department.

Count 10-14: Failure to apply and obtain all required city, county, and state licensing to advertise and rent short-term.

Count 15-18: Failure to apply and obtain a LUD with the City of Key West Planning Department.

Count 19: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

The Code Officer was Ashton Gentry. The Respondent did not attend. Officer Gentry read his timeline and evidence was shown. The City requested a finding of the violation with \$250.00 administration cost and \$250.00 per count per day. The Special Magistrate thought that there was substantial evidence for a finding and imposed \$250.00 administrative cost and \$250.00 per count per day if not in compliance by 1 August 2023.

8

Case # 23-657

Kirk Rohde & Cara A. Rohde

42 Seaside South CT

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations D(9)

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations D(9)

Officer Ashton Gentry

Hand Posted: 7-11-2023

Initial Hearing: 5-25-2023

Settlement Agreement

Count 1: Failure to apply and obtain a transient medallion with the City of Key West Licensing Department.

Count 2: Failure to apply and obtain all required city, county, and state licensing to advertise and rent short-term.

Count 3: Failure to apply and obtain a transient medallion with the City of Key West Licensing Department.

Count 4: Failure to apply and obtain all required city, county, and state licensing to advertise and rent short-term.

This case had a Settlement Agreement of \$250.00 Administrative Cost and a fine of \$250.00 for a total of \$500.00. The Settlement Agreement was signed by all parties and the Special Magistrate executed the agreement.

9

Case # 23-799

Jeffery S. Barry

20 Kestral Way
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations D(9)
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Ashton Gentry
Hand Posted: 6-16-2023
Initial Hearing: 7-27-2023

In compliance as of 14 July 2023; Request dismissal

Count 1: Failure to apply and obtain a transient medallion with the City of Key West Licensing Department.

Count 2: Failure to apply and obtain all required city, county, and state licensing to advertise and rent short-term.

Count 3: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

This case came into compliance as of 14 July 2023. The Special Magistrate granted the dismissal.

10

Case # 23-55

Keys Gear
ZenBusiness Inc.- **Registered Agent**
127 Fitzpatrick Street
Sec. 2-939 Revocable licenses
Officer Keenan Mellendorf
Certified Mail: 7-19-2023
Initial Hearing: 7-27-2023

New Case

Count 1: Failure to apply and obtain a revocable license with the City of Key West Licensing Department.

The Code Officer was Keenan Mellendorf. The Respondent did not attend. Officer Mellendorf asked for a dismissal of the case due to the owners he cited have sold business. The Special Magistrate granted the dismissal.

11

Case # 23-386

Joshua Martin
Ashley Kaehn
624 Mickens Lane

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

Sec. 14-40 Permits in historic districts

Officer Keenan Mellendorf

Hand Served: 5-12-2023

Initial Hearing: 4-27-2023

In compliance as of 2 June 2023; Request dismissal

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.

This case came into compliance as of 2 June 2023. The Special Magistrate granted the dismissal.

12

Case # 23-505

Hank's Hair of the Dog Saloon

Nick Brownell- **Musician**

Paul Lopez- **Manager**

409 Caroline Street

Sec. 26-192 Unreasonably excessive noise prohibited

Officer Keenan Mellendorf

Hand Served: 3-16-2023

Initial Hearing: 3-30-2023

Settlement Agreement

Count 1: Failure to keep music sound at a legal level.

This case had a Settlement Agreement of \$250.00 Administrative Cost and a fine of \$250.00 for a total of \$500.00. The Settlement Agreement was signed by all parties and the Special Magistrate executed the agreement. Officer Keenan Mellendorf stated that the City would like to dismiss the counts against the business manager Paul Lopez. The Special Magistrate granted the dismissal.

13

Case # 21-1831

Migo 2 LLC

Michael Goldberg- **Registered Agent**

2016 Roosevelt Drive

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

Officer Paul Navarro

Certified Mail: 8-22-2022
Initial Hearing: 9-29-2022

In compliance as of 26 June 2023; Request dismissal

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

This case came into compliance as of 26 June 2023. The Special Magistrate granted the dismissal.

14

Case # 22-1194

Kava Culture Key West Co.
Jacqueline L. Rusher- **Registered Agent**
901 Fleming Street
Sec. 66-87 Business tax receipt required for all holding themselves out be engaged in business
Officer Paul Navarro
Certified Mail: 12-16-2022
Initial Hearing: 1-26-2023

Continued from 25 May 2023

Count 1: Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.

The Code Officer was Paul Navarro. The Respondent did not attend. Officer Navarro requested a continuance for time to complete an inspection for the business to be issued the business tax receipt. The Special Magistrate granted the continuance to 31 August 2023.

15

Case # 23-837

Nem Green LLC
C/O Efi Marsiano- **Registered Agent**
419 Duval Street 3
Sec. 58-68 Commercial solid waste accounts
Officer Laurie Skinner
Certified Mail: 7-14-2023
Initial Hearing: 7-27-2023

New Case

Count 1: Failure to set up a solid waste account with Waste Management.

The Code Officer was Laurie Skinner. The Respondent did not attend. Officer Skinner read her timeline and evidence was shown. The Special Magistrate thought that there was substantial evidence to find that there was a violation and imposed no fees or fines.

16

Case # 23-95

KW Five II LLC
Miles Prentice III
2814 North Roosevelt Blvd
Sec. 30-1 Fees for false alarms and fire code inspections
Officer Leo Slecton
Hand Served: 7-10-2023
Initial Hearing: 7-27-2023

New Case

Count 1: Failure to pay past due fire inspection fees.

The Code Officer was Leo Slecton. The Respondent did not attend. Officer Slecton stated that the Respondent came into compliance at 1:00PM on 26 July 2023 and requested to dismiss the case. The Special Magistrate granted the dismissal.

17

Case # 23-210

Mayanjali
1114 White Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Leo Slecton
Hand Posted: 5-15-2023
Initial Hearing: 5-25-2023

Settlement Agreement

Count 1: Failure to contact the City of Key West Licensing Department to update license for the excess seats.

This case had a Settlement Agreement of \$250.00 Administrative Cost and a suspended fine of \$250.00. The Settlement Agreement was signed by all parties and the Special Magistrate executed the agreement.

18

Case # 23-274

Mellow Enterprises Key West Inc.
Richard Klitenick- **Registered Agent**
1605 N Roosevelt Blvd

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Leo Slecton
Certified Mail: 4-4-2023
Initial Hearing: 4-27-2023

Requesting dismissal without prejudice

Count 1: Failure to contact the City of Key West Licensing Department to update license for the excess seats.

The City requested this case be dismissed without prejudice. The Special Magistrate granted the dismissal without prejudice.

19

Case # 23-300

Mo's Restaurant
Jean L. Delice- **Owner**
1116 White Street
Sec. 66-87 Business tax receipt for all holding themselves out to be engaged in business
Officer Leo Slecton
Certified Mail: 3-31-2023
Initial Hearing: 4-27-2023

In compliance as of 13 July 2023; Request dismissal

Count 1: Failure to contact the City of Key West Licensing Department to update license for the excess seats.

This case came into compliance as of 13 July 2023. The Special Magistrate granted the dismissal.

20

Case # 23-312

Pho King Awesome
DBA Kojin Noodle Bar Inc.
Rahimov Shukhrat- **Registered Agent**
626 Duval Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Leo Slecton
Certified Mail: 4-14-2023
Initial Hearing: 4-27-2023

In compliance as of 25 July 2023; Request dismissal

Count 1: Failure to contact the City of Key West Licensing Department to update license for the excess seats.

This case came into compliance as of 25 July 2023. The Special Magistrate granted the dismissal.

21

Case # 23-620

The Keyed Up Communications Co.
John Russin- President
1075 Duval Street C17
Sec. 30-1 Fees for false alarms and fire code inspections
Officer Leo Slecton
Hand Served: 7-6-2023
Initial Hearing: 7-27-2023

In compliance as of 6 July 2023; Request dismissal

Count 1: Failure to pay delinquent fire inspection fees.

This case came into compliance as of 6 July 2023. The Special Magistrate granted the dismissal.

22

Case # 23-740

Green Pineapple Holdings LLC
Edward Russo- **Manager**
1130 Duval Street
Sec. 18-615 Revocation or suspension
Officer Leo Slecton
Hand Served: 7-17-2023
Initial Hearing: 7-27-2023

Continuance granted to 31 August 2023

Count 1: Failure to contact the City of Key West Licensing Department to update license for the excess seats.

This case was previously granted a continuance to 31 August 2023.

23

Case # 23-550

Begam Anwara
1907 Patterson Ave
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions

Sec. 108-680 Recreational vehicles and boats
Officer Roman Stenko
Certified Mail:
Initial Hearing: 7-27-2023

In compliance as of 13 July 2023; Request dismissal

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

Count 2: Failure to remove the recreational vehicle from the subject property.

This case came into compliance as of 13 July 2023. The Special Magistrate granted the dismissal.

24

Case # 23-667

Zano Noam
2117 Harris Ave
Sec. 90-363 Certificate of occupancy- Required
Sec. 58-61 Determination and levy of charge
Officer Roman Stenko
Certified Mail:
Initial Hearing: 7-27-2023

In compliance as of 25 July 2023; Request dismissal

Count 1: Failure to apply and obtain a Certificate of Occupancy with the City of Key West Building Department.

Count 2: Failure to apply and obtain a LUD with the City of Key West Licensing Department.

This case came into compliance as of 25 July 2023. The Special Magistrate granted the dismissal.

25

Case # 23-901

Ego Scooters LLC
John Jackson- **Registered Agent**
5615 2nd Ave #D
Sec. 18-354 Permit required; application; franchise fees
Officer Roman Stenko
Certified Mail:
Initial Hearing: 7-27-2023

New Case

Count 1: Failure to contact the City of Key West Licensing Department to schedule an inspection and pay all delinquent fees.

The Code Officer was Roman Stenko. Officer Stenko stated that he visited the businesses owner and he stated that he is not in business. The City was requesting to dismiss the case. The Special Magistrate granted the dismissal.

26

Case # 21-1562

Michael Donoghue
1501 George Street
Sec. 110-292 Failure to achieve a settlement agreement
Officer Jim Young
Certified Mail: Amended Notice
Initial Hearing: 11-18-2021

In compliance as of 31 May 2023; Request dismissal

Count 1: Failure to comply with the settlement agreement.

This case came into compliance as of 31 May 2023. The Special Magistrate granted the dismissal.

28

Case # 23-496

Gabriel Wright
Kim Fitzke
612 Mickens Lane
Sec. 58-31 Container and receptacle requirements
Sec. 2-939 Revocable licenses
Officer Jim Young
Certified Mail: 6-3-2023
Initial Hearing: 7-27-2023

New Case

Count 1: Failure to remove trash bins from the right of way.

Count 2: Failure to apply and obtain a revocable license with the City of Key West Licensing Department.

The Code Officer was Jim Young. The Respondents Kim Fitzke and Gabriel Wright were present. Officer Young requested a continuance because the Respondents had provided evidence around 4:45 yesterday and would like time to review it. The Respondents asked if the continuance could be pushed back to September as they would not be available for the 31 August 2023 Hearing. The Special Magistrate granted the continuance to 28 September 2023.

29

Case # 21-355

Morell Insurance Agency LLC

Caren Morell

3424 Duck Ave

Sec. 66-102 Dates due and delinquent; penalties

Officer Jim Young

Certified Mail: 3-9-2021

Initial Hearing: 3-25-2021

City request to vacate Findings and Order; Request dismissal**Count 1:** Failure to pay all fees and delinquencies to the City of Key West Licensing Department.

The City requested to vacate the findings and order from 25 March 2021. The Special Magistrate granted the request to dismiss the Findings of Order at the City's request without objection.

Liens

31

Case # 22-1327

CP LTD Partnership

2104 Fogarty Ave

Hand Posted: 6-21-2023

Continuance granted to 31 August 2023

This case was on the docket for a lien hearing and was previously granted a continuance to 31 August 2023.

30

Case # 22-831

Borders Nidia F Revocable Trust 4/26/2020

1415 1st Street

Hand Posted: 6-27-2023

The Special Magistrate approved filing of the lien.

Adjournment