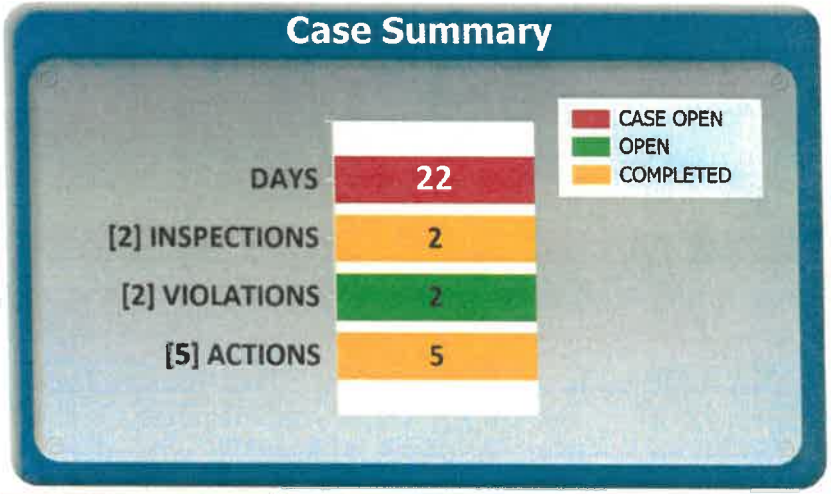
Case Details

City of Key West

Case Number
CC2022-00668

Description: Envy Pools Heather Tidwell non-permitted pool work			Status: IN COMPLIANCE
Type: BUILDING ORDINANCE		Subtype:	
Opened: 4/7/2022	Closed: 4/29/2022	Last Action: 4/7/2022	Fllw Up: 5/2/2022
Site Address: 3608 SUNRISE DR KEY WEST, FL 33040			
Site APN: 00071610-000000		Officer: LEO SLECTON	
Details:			

Case Summary



ADDITIONAL SITES

LINKED CASES

CHRONOLOGY

CHRONOLOGY TYPE	STAFF NAME	ACTION DATE	COMPLETION DATE	NOTES
NOTICE OF VIOLATION	Leo Slecton	4/15/2022	4/15/2022	
PHONE CALL	Leo Slecton	4/7/2022	4/7/2022	4/7/2022 I spoke to the owner of the subject address regarding the non-permitted work performed and he stated that he spoke to Jorge from ASAP Pools earlier today and was told that the permit is in place and the hole is dug. I told him that Envy Pools applied for the permit and he said he may have the wrong name but was pretty sure it was ASAP. I explained that I would be placing a Stop Work Order at his property and what needed to be done next.

PHONE CALL	Leo Slecton	4/7/2022	4/7/2022	4/7/2022 I spoke to the owner of Envy Pools Heather Tidwell who told me that she did not perform any work at the subject address and had planned to name ASAP Pools as the subcontractor for this project. She said if there are any issues it was done by ASAP and that she was going to call Jorge and find out what happened.
PHONE CALL	Leo Slecton	4/7/2022	4/7/2022	4/7/2022 I spoke to Jorge the owner of ASAP Pools and he said that they did the non-permitted work because he thought Heather at Envy had the permit in place and it was her fault if it isn't done. He also confirmed that he was being hired as a subcontractor for this project and was waiting over 2 months to get started. I asked if he is a licensed contractor and he said no because he works under Envy's license
PHONE CALL	Leo Slecton	4/13/2022	4/13/2022	4/13/2022 The owner of Envy Pools came to City Hall and obtained the required permit to resume work on the pool installation but has not been clear as to who is performing the work. I spoke to hewer and she now states that ASAP pools is being brought in as labor only and not as a subcontractor. I asked if they were on her payroll and she said no they are being paid as laborers. I informed her that A.S.A.P. Pool and Spa Services was licensed as a mobile pool cleaning company her hiring them qualifies as unlicensed contractors performing the work. She strongly disagreed.

CONTACTS

NAME TYPE	NAME	ADDRESS	PHONE	FAX	EMAIL
OWNER	WACKER MICHAEL FREDRICK	PO Box 398 Miles City, MT 59301			
PREVIOUS OWNER	BIRRELL LISA R	3608 Sunrise Dr Key West, FL 33040			

FINANCIAL INFORMATION

INSPECTIONS

INSPECTION TYPE	INSPECTOR	SCHEDULED DATE	COMPLETED DATE	RESULT	REMARKS	NOTES
FOLLOW UP	LS1	4/29/2022	4/29/2022			4/29/2022 I conducted a follow up inspection and found that Envy pools was using licensed workers to complete the work being performed. The workers said they worked for Envy Pools.
INITIAL INSPECTION	LS1	4/7/2022	4/7/2022			During an owner applicant permit inspection I observed and photographed non-permitted work that had already been performed (digging of a pool). No one was onsite actively working on this project but I was able to determine that ASAP Pools performed the work as a sub-contractor for the permit qualifier Envy Pools, without the benefit of the required permit. Building Permit BLD2022-0405 Pool has been applied for but is currently at "Information Required" status therefore has not been paid for nor posted. Owners of record are Wacker Michael Frederick and Peila John Christopher PO Box 398, Miles City MT 59301. I opened a code case, placed photos in File Bound and Body Cam video has been stored in Evidence.

VIOLATIONS

VIOLATION TYPE	USER NAME	OBSERVED DATE	CORRECTED DATE	LOCATION	REMARKS	NOTES
						(a) Building permit required; display. Building permits shall be procured from the chief building official before performance of any work or construction of any character, whether permanent or temporary. Within 48 hours after it is issued, the applicant must cause the permit to be posted and displayed at the work site so that it is readily visible from an adjacent public street throughout the term of the work. No work shall be performed unless a proper permit is so posted. Inspections may not be performed if the permit is

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions	Leo Slecton	4/7/2022		BACK		not posted and address numbers are not a minimum of 4" high and clearly visible from the street. Exception 1: Total contract price less than $1,000.00 per FBC Sect. 105.2.2 Minor Repairs. Ordinary minor repairs may be made with the approval of the chief building official without a building permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangements of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical circuit wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes. Any new electrical circuits or wiring will require a permit. Any new plumbing fixtures or piping will require a permit. Exception 2: Painting, both interior and exterior, residential or commercial does not require a permit. Tile repair or installation, floor covering, including carpet, laminate, resilient, and wood, both residential and commercial, do not require a permit. Work that falls under the $1,000.00 threshold for a building permit may be performed only by the property owner or a licensed contractor. Unlicensed workers, including 'handymen' are not allowed to conduct any type of work to a

						residential or commercial structure. (b) Professional plans required. Professional plans shall be required as follows: (1) Plans for work requiring a building permit shall be submitted in multiple sets, as determined by the chief building official, to the chief building official and shall be prepared by, and bear the seal of, an architect or structural engineer duly registered in the state, except if the work is by the owner-occupant upon a one- or two-family residence, and the work is cosmetic, nonstructural repair, alteration or addition. (2) Notwithstanding subsection (b)(1) of this section, plans for work which requires a building permit and which involves mechanical, plumbing or electrical repairs, alterations or additions shall be prepared by and shall bear the impress seal of an engineer duly registered in the state, as reasonably required in the interest of health and safety by the chief building official. (3) The chief building official may waive the requirements in [subsection] (b)(1) and/or (2) by special permission. 4/15/2022 The required permit has been obtained by ENVY pools
						It shall be unlawful for any contractor, as defined in section 18-116, operating anywhere within the city, licensed individually or as a firm contractor, or any officers, directors or qualified representatives of a firm contractor to commit any one or more of the acts or omissions set forth in this section. It shall also be unlawful for any property owner to commit any one or more of the acts or omissions set forth in this section as it may pertain to a property owner who directly employs others to perform construction work at a property. Violations of this

Sec. 18-117 Acts declared unlawful	Leo Slecton	4/13/2022		ENTIRE PROPERTY	section by a property owner shall be subject to the authority of the special master. The following acts are declared unlawful: (1) Contract or do any work outside the scope of operation, as set out in the definition of the particular type of contractor for which he is qualified, or to perform or offer to purport to perform any architectural or engineering or surveying services in violation of state statutes. (2) Abandon without legal excuse a construction project or operation in which he is engaged or under contract as a contractor. (3) Divert funds or property received for the execution or completion of a specific construction project or operation or for a specified purpose to any other use whatsoever. (4) Depart from or disregard in any material respect the plans or specifications of a construction job without the consent of the owner or his duly authorized representative. (5) Disregard or violate, in the performance of his contracting business, any of the building, safety, health insurance or worker's compensation laws of the state or resolutions of the city commission concerning such. (6) Misrepresent any material fact in his application and supporting papers in obtaining a license under this article. (7) Fail to fulfill his contractual obligation through inability to pay all creditors for material furnished or work or services performed in the operation of his business for which he is licensed under this article. (8) Aid or abet an unlicensed person to evade the provisions of this article or allow his license to be used by any unlicensed person or to act as an agent of an unlicensed person with the intent to evade

						this article. (9) Commit any fraudulent act as a contractor by which another is substantially injured. To Wit: On 4/13/2022 during a follow up phone call with Heather Tidwell, owner of ENVY Pools, she admitted that she is utilizing an unlicensed contractor as her labor for a pool installation at the subject address. Corrective Action: Cease the use of unlicensed contractors.

ATTACHMENTS