TO: Ron Wampler
Chief Building Official

Ryan Waterhouse
Assistant city attorney

Special Magistrate Donald Yates
Monroe County, Florida

FROM:
Wade Morgan, Certified Building Contractor License# CBC 1259954
417 Elizabeth St. Rear,
Key West, Florida

RE:
City of Key West Code Enforcement Case #CC2022-00328

DATE:
September 2, 2026

My name is Wade Morgan. I am the owner of 417 Elizabeth Rear, Key West, Florida . The recent code case for 712 Eaton, heard before the Magistrate on August 27, 2026 the structure was ordered to be removed with a compliance date of Dec 1st, 2026. Twice this structure has been deemed a life safety hazard by Magistrate Yates and the power was ordered to be disconnected to the structure in the rear. The chief building official performed an inspection on July 7th, 2026 to witness the breakers for the illegal structure being removed and disconnected from the electrical panel, then checking to ensure all electrical circuits were not active in the illegal structure. On July 10th, 2026, I witnessed and videoed the lights and circuits being back on to the structure in the rear. I immediately sent this video to the assistant city attorney of Key West to notify him that there is still a life safety hazard. Attached you will find a video taken on July 10th, 2026 showing the lights on in the illegal structure 3 days after the circuits were inspected by the CBO to ensure they were disconnected.
The facts of this case are:

1. The illegal pool pavilion structure at 712 Eaton was built without permits or other City approval.
2. The illegal construction was done on my property at 417 Elizabeth St. Rear, Key West.
3. The structure, adjacent to the pool, received no inspections for code compliance.
4. The electrical circuits, devices, and appliances installed in the structure and pool deck area received no inspections for electrical code compliance.
5. The electrically operated, propane gas fueled, pool heater received no inspection for propane gas appliance compliance.
6. The structure that is within 5 feet received no inspection for pool grounding, bonding or use as an electrically operated appliance in a pool environment.
7. The contractor who performed the construction, electrical, gas and pool appliance installation was not licensed.
8. The owner of 712 Eaton, Mr. Pesce, by his own admission, has little or no knowledge of how the work was performed or to what standard.
9. The power has already been disconnected by inspection from the city of Key West and illegally hooked back up by the owner.

Mr. Pesce has stated to the Magistrate that he resides in New York, has limited knowledge of the construction, and exercises little or no supervision of activities at the property. It has recently come to my attention that this property is a monthly vacation rental and that it is advertised and held out for use by the public. Attached please find exhibit 2, a screen shot from "Keys West Luxury Rentals" website offering 712 Eaton St. for monthly rental.

Mr. Pesce's attempts to take ownership of the property by adverse possession have recently been dismissed by the District Court of Appeals and my ownership of the property is undisputed. My liability, as the owner of the property this construction occupies, is substantial. I have a legal and ethical obligation to prevent an unsafe condition on my property that could harm the public. As a licensed contractor I have the additional burden of being fully aware of the hazards of improperly installed propane appliances and electrical devices on pool decks and other wet areas. The expression in my business is "water and electricity don't mix".

Mr. Pesce's failure to comply with the Magistrate's and The City's direction to disable all electrical and mechanical circuits and appliances at the pool pavilion compels me to formally request the following:

1. Lock out of the power to the property at 712 Eaton to prevent use of the pool, and pool area electrical until the code violations are resolved and proper permits and inspections are obtained.
2. Suspension of the monthly rental license and the prohibition of rental to the public of the property until the code violations are resolved and permits and inspections obtained.

Given the safety critical location of the electrical and gas devices, and circumstances related to their use and construction, I am asking these issues be addressed without delay. As a property owner the imposition of this liability on me is unacceptable both financially and as a matter of conscience.

Thank you,

Wade Morgan, Owner
417 Elizabeth St Rear
Key West, Florida